COUNTY OF SAN LUIS OBISPO

LAND USE ORDINANCE
TITLE 22 OF THE COUNTY CODE

ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
NOVEMBER 5, 2002 - RESOLUTION 2002-454

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June 2007

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COUNTY OF SAN LUIS OBISPO

LAND USE ORDINANCE

TITLE 22 OF THE COUNTY CODE

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September 12, 2006	Ord. 3096
September 12, 2006	Ord. 3097
December 19, 2006	Ord. 3104
December 19, 2006	Ord. 3105
December 19, 2006	Ord. 3106
December 19, 2006	Ord. 3107
December 19,2006	Ord. 3108
December 19, 2006	Ord. 3111
February 6, 2007	Ord. 3114
March 13, 2007	Ord. 3116
May 15, 2007	Ord. 3119
May 15, 2007	Ord. 3120
May 15, 2007	Ord. 3121
May 15, 2007	Ord. 3122
May 15, 2007	Ord. 3125
May 15, 2007	Ord. 3126

ARTICLE 1

Land Use Ordinance Enactment and Applicability

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CHAPTER 22.01 - PURPOSE AND EFFECT OF LAND USE ORDINANCE

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22.01.010 - Title and Purpose

This Title is the Land Use Ordinance of the county of San Luis Obispo, Title 22 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare, and more particularly:

A. To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;

B. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county;

C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;

D. To protect and enhance the significant natural, historic, archaeological and scenic resources within the county as identified by the county General Plan; and

E. To assist the public in identifying and understanding regulations affecting the development and use of land.

[22.01.010]

22.01.020 - Authority, Relationship to General Plan

A. The Land Use Ordinance is adopted in compliance with the authority vested in the county of San Luis Obispo by the state of California, including but not limited to: the state constitution; Sections 65800 et seq. of the Government Code; and the California Environmental Quality Act, Coastal Act, Housing Act, Subdivision Map Act, Health and Safety Code, and the Surface Mining and Reclamation Act.

B. The Land Use Ordinance is the primary tool used by San Luis Obispo County to carry out the goals, objectives, and policies of the San Luis Obispo County General Plan, hereafter referred to as the "General Plan." The Board of Supervisors intends that the Land Use Ordinance be consistent with the General Plan, and that any land use, subdivision, or development approved in compliance with the Land Use Ordinance will also be consistent with the General Plan.

[22.01.020]

22.01.030 - Maps and Text Included by Reference

To effectively implement the policies of the San Luis Obispo County General Plan, the following documents, including contents of the Land Use Element adopted by Board of Supervisors Resolution 80-350 and all amendments thereto, are hereby adopted and included by reference as part of this Title, in compliance with Government Code Sections 65800 et seq., as though they were fully set forth here.

A. Land Use Element provisions:

1. **Land use categories.** The land use categories described in Framework for Planning, Part I of the Land Use Element;

2. **Combining designations.** The combining designations described in Framework for Planning, Part I of the Land Use Element, as supplemental categories used on the official maps to identify areas where special characteristics, resources, or hazards to the public necessitate review of proposed land uses to evaluate their compatibility with those characteristics, resources or hazards; and

3. **Official maps.** The maps identified as the Official Land Use Maps of San Luis Obispo County, Part III of the Land Use Element, on file in the Department of Planning and Building.

B. Building line maps. The maps adopted in compliance with prior Zoning Ordinance Section 22.06.060c for measuring required yard dimensions and building locations with respect to building lines, which remain in effect; except the Building Line Maps for Paso Robles Beach Subdivisions 1, 2 and 3 in Cayucos, which have been repealed.

[Amended 1983, Ord. 2122; 1984, Ord. 2163] *[22.01.022]*

22.01.040 - Open Space Zoning

A. Open space provisions. The intent and purpose of each of the following provisions, together with all other applicable provisions of this Title, are consistent with the intent of the Agriculture and Open Space Element, and shall constitute the Open Space Zoning Ordinance of San Luis Obispo County in compliance with Government Code Sections 65910 et seq.:

1. The Agriculture (AG), Rural Lands (RL), Recreation (REC) and Open Space (OS) land use categories; and the Flood Hazard (FH), and Sensitive Resource Area (SRA) combining designations of the Land Use Element;

2. Chapters 22.14 (Combining Designations) and 22.22 (Subdivision Design Standards) of this Title.

B. Public access or use. In cases where the Land Use Element designates a property in the Open Space or Recreation land use categories, in the Sensitive Resource Area or Historic Area combining designations, or where the Land Use Element identifies a need for open space preservation through easement, contract, or other instrument, the designation does not in and of itself convey or imply any right of public use, access, trespass, or violation of privacy.

[22.01.023]

22.01.050 - Applicability of the Land Use Ordinance

The provisions of this Title apply to all land use and development activities within the unincorporated areas of San Luis Obispo County, as follows, except uses and activities located within the Coastal Zone defined by the California Coastal Act of 1976, which are instead subject to the provisions of Title 23 of this Code (the Coastal Zone Land Use Ordinance):

A. Proposed uses. The provisions of this Title apply to all lots, buildings, structures and uses of land or bodies of water to be created, established, constructed, altered or replaced after the adoption of this Title unless specifically exempted by this Section. It shall be unlawful and a violation of this code for any person to establish, construct, alter, replace, operate or maintain any building, structure, use of land or body of water, contrary to or without satisfying all applicable provisions of this Title.

B. Public roads. The provisions of this Title are not applicable to the construction and maintenance of public roads and other improvements within road rights-of-way by the county of San Luis Obispo or its contractors.

C. Effect on existing uses. The provisions of this Title are not retroactive in their effect on a use of land lawfully established as of the date of adoption of this Title or any amendment, unless an alteration, expansion or modification to an existing use is proposed which requires a land use permit in compliance with this Title.

D. Effect on previously issued permits. This Section determines how the Land Use Ordinance affects land use permits issued before the adoption of this Title under the provisions of Ordinance 603 (the Zoning Ordinance of the County of San Luis Obispo) and all amendments thereto, and land use permits issued before amendments to this Title or the Land Use Element which would now be subject to different requirements.

1. Affected permits. The land use permits and other approvals that are subject to the provisions of this Subsection include all:

a. Building Permits, Departmental Review approvals, Conditional Use Permits, Development Plans, and Variances, approved and issued in compliance with the Zoning Ordinance, which authorized uses still allowed in their locations by this Title; and

b. Building Permits, Plot Plan approvals, Zoning Clearances, Site Plan approvals, Site Plan Review approvals, Minor Use Permits, Conditional Use Permits, Development Plan approvals, and Variances, approved and issued in compliance with this Title, which authorized uses still allowed in their locations by this Title,

2. Entitlements consistent with the Land Use Ordinance. The permits listed in Subsection D.1 above, shall be deemed to have been issued in compliance with this Title as follows.

a. A Building Permit and/or Plot Plan approval shall be treated for all purposes as if it were a Zoning Clearance.

b. A Departmental Review shall be treated for all purposes as if it were a Site Plan Review if Site Plan Review would now be required by this Title to authorize the use; as a Minor Use Permit if a Minor Use Permit would now be required by this Title to authorize the use; and as a Conditional Use Permit if a Conditional Use Permit would now be required by this Title to authorize the use.

c. A Conditional Use Permit or Development Plan shall be treated for all purposes as if they were Conditional Use Permits.

d. A Variance issued in compliance with the Zoning Ordinance that is also in compliance with the provisions of this Title shall be treated for all purposes as if it were a Variance issued in compliance with the Land Use Ordinance.

3. Compliance with current standards required. Any construction, expansion or alteration of an approved use after the effective date of this Title, and beyond the development authorized by the original entitlement or after the initial construction in a phased project, shall comply with all applicable provisions of this Title, or any conditions of approval adopted with the original permit or approval, whichever are more restrictive.

4. **Compliance with conditions of approval required.** Any conditions of approval adopted with any of the permits or approvals listed in this Subsection shall remain in full force and effect, except that the conditions shall be superseded by any applicable provisions of this Title that are more restrictive.

5. **Completion of existing uses.** Nothing in the title shall require any change in the plans, construction or approved use of a building or structure for which a permit has been issued before the effective date of this Title (December 18, 1980), or any amendment to the Land Use Element or this Title which changes allowable uses of land, land use permit requirements or other applicable provisions of this Title, provided construction is commenced and completed as follows:

   a. **Building permits.** Site work has progressed beyond grading and completion of structural foundations within 180 days after building permit issuance.

   b. **Land use permits.** Projects authorized by approval of Departmental Reviews, Conditional Use Permits, Variances and Development Plans for which construction permits have not been obtained as of the effective date of this Title are to be established through obtaining construction permits and completing substantial site work (see Section 22.64.080 - Substantial Site Work Defined) within one year of the effective date of the Departmental Review, Conditional Use Permit, Variance, Development Plan, or within any extension of time granted such entitlements before the effective date of the Land Use Ordinance; provided that any project that was approved for phased construction under the previous zoning entitlement may continue under the approved phasing schedule. (No entitlement approved under Ordinance 603 or any amendment thereto shall be granted a time extension under Section 22.64.070 (Land Use Permit Extensions of Time) after the effective date of the Land Use Ordinance except entitlements in compliance with the provisions of Subsection D.2.)

6. **Entitlements void.** The following entitlements granted, approved or issued before the effective date of this Title are hereby repealed and deemed void, except as provided by Subsections D.2 and D.5:

   a. Conditional Use Permits and Variances granted in compliance with Chapter 22.92 of the Zoning Ordinance;

   b. Departmental Review approvals granted in compliance with Chapter 22.93 of the Zoning Ordinance;

   c. Development Plans and Planned Developments approved in compliance with Chapters 22.20, 22.46, 22.62, and 22.74 of the Zoning Ordinance;

   d. Rezonings and amendments approved in compliance with Chapter 22.94 of the Zoning Ordinance.

7. **Effect of void entitlement.** In any case where an entitlement is deemed void in compliance with Subsection D.6, the effect on an approved land use of its entitlement becoming void shall be as follows:

   a. **Existing use.** A use established before the effective date of this Title shall become a legal nonconforming use subject to all applicable provisions of Chapter 22.72 (Nonconforming Uses, Structures, Parcels, and Signs), provided that any conditions of approval applicable to the use shall remain in full force and effect.

   b. **Non-existing use.** A use of land authorized by an entitlement that became void in compliance with Subsection D.6, for which substantial site work has not been completed as of the effective date of this Title (see Section 22.64.080 - Substantial Site Work Defined), shall be prohibited except as provided by Subsection D.3.

[Amended 1981, Ord. 2163; 1982, Ord. 2091; 1986, Ord. 2250; 1988, Ord. 2344; 1992, Ord. 2553] *[22.01.030]*

22.01.060 - Land Use Permits Required

No person shall establish, construct, alter or replace any use of land, structure or building without first obtaining all permits required by Article 2 (Allowable Land Uses and Permit Requirements) or other applicable section of this Title. [Amended 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553] *[22.01.031]*

22.01.070 - Compliance with Standards Required

Compliance with applicable provisions of this Title and code is required as follows:

A. Land uses, buildings and parcels. No use of land, buildings, or division of land shall be established and no application for a use of land, buildings, or land division in compliance with Title 21 of this code shall be approved unless the proposed land use, building, or parcels satisfy all applicable requirements of this code.

B. Operation and conduct of existing land uses. All uses of land, buildings and bodies of water established, constructed, altered or replaced after the adoption of this Title shall at all times be operated, conducted and maintained in a manner consistent with all applicable provisions of this code.

C. Application where violation exists. No application for land use permit, construction permit or land division shall be approved where an existing land use, building or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, this code or any condition of approval of a land use permit, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new proposed use, or recordation of a final or parcel map in the case of a land division or the permit is necessary to maintain the health and/or safety of the occupants.

D. Conflicts with other requirements. If conflicts occur between a planning area standard of Article 9 and other provisions of this Title, the planning area standard shall control, except in cases where additional density is granted through participation in the voluntary TDC Program established in Framework for Planning. In those cases, the base density (in compliance with Section 22.10.130) may be derived from the planning area standard, where a minimum parcel size has been established. Any density bonus shall comply with the standards of this Title, unless the density bonus is specifically set forth in the planning area standard.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1996, Ord. 2776; 1999, Ord. 2883] *[22.01.033]*

22.01.080 - Penalty for Violation

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the county of San Luis Obispo or cause the same to be done contrary to or in violation of any provision of this Title or any provisions of the codes, rules or regulations adopted in this Title. No person shall violate any of the provisions, or fail to comply with any of the requirements of this Title. The penalties for violation of the provisions of this Title are in Chapter 22.74 (Enforcement). [Added 1988, Ord. 2339] *[22.01.036]*

22.01.090 - Administration of the Land Use Ordinance

This Title shall be administered by the San Luis Obispo County Board of Supervisors (hereafter referred to as the "Board"), the Planning Commission (hereafter referred to as the "Commission") the Director of Planning and Building (hereafter referred to as the "Director"), the Department of Planning and Building (hereafter referred to as the "Department"), and the Zoning Administrator, in compliance with Article 7 (Land Use Ordinance Administration). [Amended 1986, Ord. 2250; 1992, Ord. 2553]

22.01.100 - Time for Judicial Review

Any court action or proceeding to attack, review, set aside, void or annul any decision of matters set forth in this Land Use Ordinance otherwise subject to court review (other than those listed in Government Code Section 65907), or concerning any of the proceedings, acts or determinations taken, done or made before such decisions, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is filed within 90 days after the date such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decisions, proceedings, acts or determinations. *[22.01.080]*

22.01.110 - Severability of Provisions

If any chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of the Land Use Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, such decisions shall not affect the validity of the remaining portions of the Land Use Ordinance. It is hereby declared that this Land Use Ordinance and each chapter, section, Subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof would have been adopted irrespective of the fact that one or more of such portions of the Land Use Ordinance be declared invalid, unconstitutional or unenforceable. *[22.01.082]*

CHAPTER 22.02 - INTERPRETATION OF LAND USE ORDINANCE PROVISIONS

Sections:

22.02.010 - Purpose of Chapter
22.02.020 - Rules of Interpretation
22.02.030 - Interpretation Procedure

22.02.010 - Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Title. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Title and the General Plan. Any questions about the interpretation or applicability of any provision of this Title shall be resolved in compliance with this Section.

22.02.020 - Rules of Interpretation

A. Authority. The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title.

B. Effect of provisions.

1. **Minimum requirements.** The regulations and standards set forth in this Title shall be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Title.

2. **Effect upon private agreements.** It is not intended that these regulations shall interfere with or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land, or upon the height of structures, or require larger open spaces than are imposed or required by other ordinances, rules, or regulations, or by covenants, easements or agreements, these regulations shall control.

C. Language.

1. **Construction.** When used in this Title, the words "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular. "Including" means "including, but not limited to . . .".

2. **Definitions.** Definitions of the specialized terms and phrases used in this Title are contained in Article 8 (Land Use Ordinance Definitions), or in certain other sections of this Title where the terms and phrases are used.

3. **Time of day.** Whenever a certain hour or time of day is specified in this Title, or any permit, condition of approval or notice issued or given in compliance with this Title, the hour shall be standard time or daylight savings time, whichever is in current use in the county.

4. **Number of days.** When a number of days is specified in this Title, or in any permit, condition of approval or notice issued or given in compliance with this Title, the number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days. When the term "week" is used, it shall mean the days from Sunday to the following Saturday, inclusive. If the last day for the performance of any act required to be performed within a specified time is a holiday, then the time period shall be extended to, and shall include, the next day that is not a holiday. The term "holiday" shall mean Saturday, Sunday, and all days when the County offices are closed for the entire day.

5. **Rounding of quantities.** Whenever this Title requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development expressed in numerical quantities that are fractions of whole numbers, and this Title uses the quantities in the form of whole numbers only, the numbers shall be rounded to the next highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5; provided, however, that quantities expressing areas of land are to be rounded only in the case of square footage, and shall are not be rounded in the case of acreage.

6. **Internal cross-references.** When a provision of this Title refers to a requirement elsewhere, the subject of the cross reference is assumed to be another Chapter or provision of this Title, or another provision within the same Section, unless the title of another document is provided. For example:

   a. "See Section 22.02.040" means "See Section 22.02.040 *of this Title*";

   b. ". . . in compliance with Subsection D.2," means ". . . in compliance with Subsection D.2 *of this Section*"; and

   c. "See Chapter 9.30 of this Code," means "See Chapter 9.30 *of the San Luis Obispo County Code*."

7. **Site area measured.** For any uses that require a minimum site area, the area used shall be the net site area (defined in Article 8 (Land Use Ordinance Definitions) as "Site Area, Net"). For parcels of one acre or greater, site area greater than or equal to 0.995 acres net will be rounded up for the purposes of defining net site areas. For example, a parcel of 4.995 acres net will be considered as conforming to a five acre net site area requirement. A parcel of 0.90 acres net would ***not*** be considered as conforming to a one acre net site area requirement. [Added 1994, Ord. 2696]

D. Map boundaries and symbols. If questions arise about the location of any land use category or combining designation boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures are to be used to resolve these questions in the event that planning area standards (Article 9), do not define precise boundary or symbol location:

1. Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.

2. Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the land use category shall be considered to extend to the centerline of the right-of-way.

3. Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right- of-way, street or alleyway, the boundary location shall be determined by the Department, based upon the character of the particular feature used as a boundary.

4. In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries is to be determined through Conditional Use Permit review and approval (Section 22.62.060), before any development.

5. In other cases where boundaries are not related to property lines or contours, planning area standards (Article 9) define the precise boundary location or the necessary procedure for determining its location.

6. Symbols used to delineate a combining designation may not be property specific. In the case of Historic, and Energy and Extractive area symbols, the text of the applicable Land Use Element area plan will identify the extent of the area covered by the symbol application.

7. Symbols indicating proposed public facilities are not property specific. They show only the general area within which a specific facility should be established. The actual distance around a symbol where a facility may be located is defined by Framework for Planning, Part I of the Land Use Element.

E. Allowable uses. See Section 22.06.030.C (Uses Not Listed).

[Amended 1982, Ord. 2091; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696]

[22.01.041]

22.02.030 - Interpretation Procedure

If questions arise from persons or bodies charged with administering this Title about its content or application, the Commission shall ascertain all pertinent facts, and by resolution set forth its findings and interpretation. The resolution shall be forwarded to the Board, which shall consider the findings and interpretation of the Commission and render a final decision and interpretation on the matter. Thereafter the interpretation of the Board shall prevail.

[Amended 1982, Ord. 2091; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696] *[22.01.041e]*

ARTICLE 2

Allowable Land Uses and Permit Requirements

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CHAPTER 22.04 - GENERAL DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

22.04.010 - Purpose of Chapter
22.04.020 - Applicability of Land Use Categories and Combining Designations
22.04.030 - General Requirements for Development and New Land Uses
22.04.040 - Requirements for Sites Divided by Land Use Category Boundary
22.04.050 - Additional Permits or Approvals May Be Required

22.04.010 - Purpose of Chapter

This Chapter provides general requirements for the approval of proposed development and new land uses. Land use permit requirements for specific land uses are in Article 4 (Standards for Specific Land Uses) and Article 9 (Community Planning Standards).

22.04.020 - Applicability of Land Use Categories and Combining Designations

The land use and development regulations of this Title are applied to property based on the land use categories and combining designations established by the Land Use Element of the General Plan. These land use categories and combining designations are incorporated into this Title by Section 22.01.030 (Maps and Text Included by Reference), and are shown in Table 2-1.

22.04.030 - General Requirements for Development and New Land Uses

All uses of land and/or structures shall be established, constructed, reconstructed, altered, or replaced, in compliance with the following requirements.

A. Allowable use. The use of land shall be identified by Chapter 22.06 and any applicable provision of Article 9 (Community Planning Standards) as being allowable in the land use category applied to the site. The Director may determine whether a particular land use is allowable, in compliance with Section 22.06.030 (Allowable Land Uses and Permit Requirements).

B. Permit/approval requirements. Any land use permit or other approval required by Section 22.06.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 22.06.040 (Exemptions from Land Use Permit Requirements).

TABLE 2-1
LAND USE CATEGORIES AND COMBINING DESIGNATIONS

Map Symbol	Land Use Category Name
Agricultural and Rural Categories	
AG	Agriculture
RL	Rural Lands
Residential Categories	
RR	Residential, Rural
RS	Residential, Suburban
RSF	Residential, Single-Family
RMF	Residential, Multi-Family
Commercial and Industrial Categories	
OP	Office and Professional
CR	Commercial, Retail
CS	Commercial, Service
IND	Industrial
Special Purpose Categories	
OS	Open Space
REC	Recreation
PF	Public Facilities
Combining Designations	
AR	Airport Review Area
EX	Energy and Extractive Resource Area
EX1	Extractive Resource Area
FH	Flood Hazard
GSA	Geologic Study Area
H	Historic Site
LCP	Local Coastal Plan Area
SRA	Sensitive Resource Area
TDCR	Transfer of Development Credit Receiving Site
TDCS	Transfer of Development Credit Sending Site

C. Development standards. The use of land and/or structure shall comply with all applicable requirements of this Title, including the provisions of Article 3 (Site Planning and General Development Standards), and Article 9 (Community Planning Standards).

D. Conditions of approval. The use of land and/or structure shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

E. Legal parcel. The use of land and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act and Title 21 of this Code (Subdivisions), as applicable at the time the parcel was created.

22.04.040 - Requirements for Sites Divided by a Land Use Category Boundary

Where a site is divided by one or more land use category boundaries, the site shall be developed in compliance with the requirements of each district, as applicable. For example, if a site is designated both commercial and residential, the portion of the site designated commercial shall be developed in compliance with the regulations of this Title applicable to commercial uses, and the portion designated residential shall be developed in compliance with the requirements of this Title applicable to residential uses.

22.04.050 - Additional Permits and Approvals May be Required

An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain County permits or approvals before the use is constructed, or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain any permits or approvals required by:

A. Other County Code provisions, including: building, grading or other construction permits if they are required by this Title or Title 19, or a business license if required by this Title or Title 6, county health permits, or permits required by the County Public Works Department; or

B. Any applicable state or federal agency regulations.

All necessary permits shall be obtained before starting work or establishing new uses.

[22.01.031]

CHAPTER 22.06 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS BY LAND USE CATEGORY

Sections:

22.06.010 - Purpose of Chapter
22.06.020 - Applicability
22.06.030 - Allowable Land Uses and Permit Requirements
22.06.040 - Exemptions from Land Use Permit Requirements

22.06.010 - Purpose of Chapter

This Chapter determines what uses of land may be allowed, and the type of land use permit required to authorize each proposed development and new land use, within the land use categories established by the Land Use Element. (See Section 22.04.020 - Applicability of Land Use Categories and Combining Designations.)

22.06.020 - Applicability

A. Requirements established by this Chapter. Each proposed development and new land use shall comply with the permit requirements established by this Chapter, except where a different permit requirement is established by:

1. Chapter 22.14 (Combining Designation Standards) for a specific Combining Designation applicable to a site; or

2. Article 9 (Community Planning Standards) for a land use and/or site within specific community or area (planning area standards).

C. Requirements established by Article 9. Article 9 of this Title may not allow the same land uses in the applicable land use categories as this Chapter, and/or may establish different land use permit requirements for allowable uses. For convenience, the following table notes where Article 9 requirements differ from this Chapter. In the event of any conflict between the requirements of Article 9 and the information in this table, the requirements of Article 9 shall control.

ALLOWABLE LAND USE AND PERMIT REQUIREMENTS ESTABLISHED BY ARTICLE 9

Planning Area	Applicable Section	Limitations on Uses	Permit Requirements
El Pomar			
Airport Review Area	22.94.020	✔	
Rural Area	22.94.030	✔	
Huasna-Lopez			
Sensitive Resource Area	22.96.030	✔	✔
Rural Lands	22.96.040	✔	
Las Pilitas			
Rural Area	22.98.030	✔	
Pozo Village Area	22.98.040	✔	✔
Nacimiento			
Rural Area	22.102.030	✔	✔
Heritage Ranch	22.102.040	✔	✔
Lake Nacimiento Resort	22.102.050	✔	✔
Oak Shores	22.102.060	✔	✔
South Shore	22.102.070	✔	✔
Salinas River			
Areawide	22.104.020		✔
Combining Designations	22.104.030	✔	✔
Rural Area	22.104.040	✔	✔
Paso Robles Urban Area	22.104.060	✔	✔
San Miguel Urban Area	22.106.070	✔	✔
Santa Margarita Urban Area	22.104.080	✔	✔
Templeton Urban Area	22.104.090	✔	✔

Planning Area	Applicable Section	Limitations on Uses	Permit Requirements
San Luis Bay			
Rural Area	22.106.020	✔	✔
Arroyo Grande Fringe	22.106.030	✔	
Avila Beach Urban Area	22.106.050	✔	✔
Oceano Urban Area	22.106.070	✔	
Pismo Beach Urban Area	22.106.080		✔
San Luis Obispo			
Combining Designations	22.108.030	✔	✔
Rural Area	22.108.040	✔	✔
San Luis Obispo Urban Area	22.108.050	✔	✔
Los Ranchos/Edna Village	22.108.060	✔	✔
Shandon-Carizzo			
Rural Area	22.110.020		
South County			
Rural Area	22.112.040	✔	✔
Callendar-Garrett Village	22.112.050	✔	✔
Los Berros Village	22.112.060	✔	
Nipomo Urban Area	22.112.070	✔	✔
Palo Mesa Village	22.112.080	✔	✔

22.06.030 - Allowable Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Title in each land use category, and the land use permit required to establish each use, in compliance with Section 22.04.030 (General Requirements for Development and New Land Uses).

A. Permit requirements. Table 2-2 provides for land uses that are:

1. Allowed subject to the approval of the land use permit required by Section 22.08.030 (Project-Based Permit Requirements). These are shown as "A1" uses in the table;

2. Allowed subject to the approval of the land use permit required for the particular use by Article 4 (Standards for Specific Land Uses). These are shown as "A2" uses in the table;

3. Permitted subject to the approval of a Zoning Clearance (Section 22.62.030). These are shown as "P" uses in the table;

4. Permitted subject to the Site Plan Review approval (Section 22.62.040). These are shown as "SP" uses in the table;

5. Allowed subject to the approval of a Minor Use Permit (Section 22.62.050). These are shown as "MUP" uses in the table; and

6. Allowed subject to the approval of a Conditional Use Permit (Section 22.62.060). These are shown as "CUP" uses in the table.

Note: where the last column ("Specific Use Regulations") in Table 2-2 includes a section number, the regulations in the referenced section apply to the specific use; however, the provisions of Article 3 (Site Planning and General Development Standards) shall also apply.

B. Multiple uses on a single site. Where a proposed project includes multiple land uses, and Table 2-2 requires different land use permits for some of the uses, the permit process shall be subject to Section 22.60.030 (Consolidated Processing).

C. Uses not listed. A land use that is not listed in Table 2-2 or is not shown in a particular land use category is not allowed, except follows, or as otherwise provided by Section 22.06.040 (Exemptions from Land Use Permit Requirements).

1. Where a proposed land use is not specifically listed in Table 2-2, the Director will review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine whether any of the listed uses is equivalent to that proposed.

2. Upon a written determination by the Director that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what standards affect its establishment.

3. Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Department, and will be considered for incorporation into the this Title through amendment as soon as is practical.

4. At the discretion of the Director, allowable use interpretation requests may be forwarded to the Commission for determination. Determinations by the Director may be appealed to the Commission in compliance with Section 22.70.050.

5. If a proposed use is found by the review authority to not be equivalent to any listed use, the proposed use shall be deemed not allowed.

[22.01.041.d]

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
Electricity generation - Except WECF			A2	A2	A2		A2	22.32
Electricity generation - Wind energy conversion			MUP	MUP	MUP		MUP	22.32.050
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A2	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
(7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
INDUSTRY, MANUFACTURING & PROCESSING USES							
Apparel Products							
Chemical Products Manufacturing							22.30.160
Corrosive, Toxic, Explosive & Gaseous Product							22.30.160
Concrete, Gypsum & Plaster Products	SP(6)	SP(6)					
Electronics, Equipment & Appliances							
Food and Beverage Products	A1(11)	A1(11)					
Furniture & Fixture Products, Cabinet Shops							
Glass Products							
Lumber & Wood Products							
Machinery Manufacturing							
Metal Industries, Fabricated							
Metal Industries, Primary							
Motor Vehicles & Transportation Equipment							
Paper Products							
Paving Materials	SP(6)	SP(6)					
Petroleum Refining & Related Industries							22.32.050
Plastics and Rubber Products							
Printing and Publishing							
Recycling - Collection stations	SP	SP	SP	SP		SP	22.30.390
Recycling - Scrap & dismantling yards	CUP	CUP					22.30.380
Small Scale Manufacturing	MUP	MUP					22.30.550
Stone & Cut Stone Products	SP(6)	SP(6)					
Structural Clay & Pottery-Related Products	SP(6)	SP(6)					
Textile Products							
Warehousing, Wholesaling & Distribution	SP(10)	SP(10)				MUP(7)	22.30.640

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
INDUSTRY, MANUFACTURING & PROCESSING USES								
Apparel Products			A1	A1				
Chemical Products Manufacturing				A2				22.30.160
Corrosive, Toxic, Explosive & Gaseous Product				CUP				22.30.160
Concrete, Gypsum & Plaster Products			CUP	A1				
Electronics, Equipment & Appliances			A1	A1				
Food and Beverage Products		A1 (8)	A1	A1				
Furniture & Fixture Products, Cabinet Shops			A1	A1				
Glass Products				A1				
Lumber & Wood Products				A1				
Machinery Manufacturing				A1				
Metal Industries, Fabricated			A1	A1				
Metal Industries, Primary				CUP				
Motor Vehicles & Transportation Equipment				CUP				
Paper Products				A1				
Paving Materials				A1				
Petroleum Refining & Related Industries				A2				22.32.050
Plastics and Rubber Products				CUP				
Printing and Publishing		A1 (9)	A1	A1				
Recycling - Collection stations	SP	SP	SP	SP	SP(5)	SP	SP	22.30.390
Recycling - Scrap & dismantling yards			A2	A2			CUP	22.30.380
Small Scale Manufacturing		A1	A1	A1				22.30.550
Stone & Cut Stone Products			A1	A1				
Structural Clay & Pottery-Related Products				A1				
Textile Products				A1				
Warehousing, Wholesaling & Distribution			A1	A1			A1	22.30.640

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) Allowable use limited to manufacturing operations for which the raw materials are extracted on-site.
(7) Allowable use limited to personal storage ("mini-storage"), primarily serving residents in the same land use category.
(8) Allowable use limited to bakeries, ice cream and candy shops, and other similar uses, where the majority of production is for on-site retail.
(9) Allowable use limited to "quick printing" services and newspaper publishers.
(10) Use limited to facilities that support approved agricultural production or processing on the same site.
(11) Allowable use limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Clubs, Lodges, and Private Meeting Halls	SP(6)					MUP	
Indoor Amusement & Recreation Facilities							22.30.240
Libraries and Museums	MUP	MUP	MUP				22.30.250
Marinas							
Off-Road Vehicle Courses		CUP					
Outdoor Sports and Recreational Facilities							22.30.340
Amusement Parks							22.30.340
Golf Driving Ranges			CUP	CUP	CUP	CUP	22.30.340
Outdoor Athletic Facilities			CUP	CUP	CUP	CUP	22.30.340
Public Parks and Playgrounds			SP	SP	SP	SP	22.30.340
Recreation Equipment Rental - Motorized							22.30.340
Recreation Equipment Rental - Non-motorized							22.30.340
Swim and Racquet Clubs			CUP	CUP	CUP	CUP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP	CUP	CUP	CUP	22.30.340
Swimming Pools (public or membership)							22.30.340
Public Assembly & Entertainment Facilities							
Religious Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.400
Rural Recreation and Camping							22.30.520
Camping, Incidental, 10 or fewer units	SP	SP					22.30.520
Camping, Incidental, 11 or more units	MUP	MUP					22.30.520
Camping, Organizational		CUP					22.30.520
Dude Ranches	CUP	CUP					22.30.520
Health Resorts and Bathing	CUP(8)	CUP	CUP				22.30.520
Hunting and Fishing Clubs	SP	SP					22.30.520
Sport Shooting Facilities	CUP	CUP					22.30.520
Schools - College & University							
Schools - Elementary & Secondary		CUP	CUP	CUP	CUP	CUP	22.30.540
Schools - Specialized Education & Training	UP	A1	A1	A1			22.30.540
Sports Assembly							
Temporary Events	A2	A2	A2				22.30.610

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MCUP	Conditional use - Minor Use Permit required. (4)	22.62.050
UP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Clubs, Lodges, and Private Meeting Halls	SP	SP	SP	SP		MUP		
Indoor Amusement & Recreation Facilities	A2	A2	A2			A2	MUP	22.30.240
Libraries and Museums	A1	A1				A1	A1	22.30.250
Marinas			CUP			CUP	CUP	
Off-Road Vehicle Courses						CUP		
Outdoor Sports and Recreational Facilities								22.30.340
Amusement Parks			CUP			CUP	CUP	22.30.340
Golf Driving Ranges			CUP			CUP	CUP	22.30.340
Outdoor Athletic Facilities			SP			SP	SP	22.30.340
Public Parks and Playgrounds		SP	SP			SP	SP	22.30.340
Recreation Equipment Rental - Motorized			CUP			CUP		22.30.340
Recreation Equipment Rental - Non-motorized		A1	A1			A1		22.30.340
Swim and Racquet Clubs			SP			SP	SP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP			CUP	CUP	22.30.340
Swimming Pools (public or membership)								22.30.340
Public Assembly & Entertainment Facilities	A1	A1	A1			A1	A1	
Religious Facilities	CUP	A1	A1			CUP		22.30.400
Rural Recreation and Camping								22.30.520
Camping, Incidental, 10 or fewer units						SP	SP	22.30.520
Camping, Incidental, 11 or more units						MUP	MUP	22.30.520
Camping, Organizational						CUP	CUP	22.30.520
Dude Ranches					CUP(5)	CUP	CUP	22.30.520
Health Resorts and Bathing						CUP	CUP	22.30.520
Hunting and Fishing Clubs					SP(5)			22.30.520
Sport Shooting Facilities							CUP	22.30.520
Schools - College & University	A1						A1	
Schools - Elementary & Secondary	CUP(7)					UP	UP	22.30.540
Schools - Specialized Education & Training	A1	A1	A1	A1		A1	A1	22.30.540
Sports Assembly			UP	UP		UP	UP	
Temporary Events	A2	A2	A2	A2		A2	A2	22.30.610

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) Use limited to organizations related to agriculture, including grange halls and farm bureaus.
(7) Allowable use limited to high schools.
(8) Use may be allowed only where facility is dependent upon a natural on-site resource such as a lake or hot springs.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
RESIDENTIAL USES							
Caretaker Quarters	P	P	P	P			22.30.030,430
Farm Support Quarters	A2	A2					22.30.480
Home Occupations	P	P	P	P	P	P	22.30.030,230
Mobile Home Parks			CUP(8)(8)	CUP(8)(8)	CUP(8)(8)	CUP(8)(8)	22.30.440
Mobile Homes	P	P	P	P	P	P	22.30.450
Multi-Family Dwellings						A1	22.30.490,500
Nursing & Personal Care				CUP		CUP	22.30.320
Organizational Houses						CUP	22.30.460
Residential Accessory Uses	P(9)	P(9)	P(9)	P(9)	P(9)	P(9)	22.30.030,410
Residential Care - 6 or fewer boarders	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	22.30.420
Residential Care - 7 or more boarders	CUP	CUP	CUP	CUP	CUP	CUP	22.30.420
Secondary Dwellings			P(7)	P(7)	P(7)		22.30.470
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Temporary Construction Trailer Parks	CUP(8)(8)	CUP(8)(8)	CUP(8)(8)				22.30.590
Temporary Dwellings	P	P	P	P	P	P	22.30.600

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Caretaker Quarters	P	P	P	P	SP(5)	P	P	22.30.030,430
Farm Support Quarters								22.30.480
Home Occupations	P	P	P	P		P	P	22.30.030,230
Mobile Home Parks					CUP(8)(8)			22.30.440
Mobile Homes						P	P	22.30.450
Multi-Family Dwellings	A2	A2				A2		22.30.490,500
Nursing & Personal Care	A1	CUP					A1	22.30.320
Organizational Houses	CUP	CUP						22.30.460
Residential Accessory Uses	P(9)	P(9)	P(9)	P(9)	SP(5)(9)	P(9)	P(9)	22.30.030,410
Residential Care - 6 or fewer boarders							P(6)	22.30.420
Residential Care - 7 or more boarders	CUP						A1	22.30.420
Secondary Dwellings								22.30.470
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Temporary Construction Trailer Parks			CUP(8)(8)					22.30.590
Temporary Dwellings	P	P	P	P		P	P	22.30.600

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) No land use permit required for Residential Care facilities with 6 or fewer clients.
(7) Minor Use Permit required for secondary dwellings in the Arroyo Grande Fringe and in the Templeton Urban Area.
(8) Use also requires authorization from the California Department of Housing and Community Development.
(9) Residential antennas may have different permit requirements. See Section 22.30.410.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
RETAIL TRADE USES							
Auto, Mobile Home & Vehicle Dealers - Indoor							22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor							22.30.330
Automobile Service Stations / Gas Stations							22.30.130
Building Materials and Hardware							22.30.140
with retail "ready-mix" concrete sales							
Convenience & Liquor Stores							22.30.570
Farm Equipment & Supplies Sales	A2	A2	A2				22.30.210
Fuel Dealers							22.30.220
Furniture, Home Furnishings & Equipment							
General Retail							
Grocery Stores			CUP	CUP	CUP	CUP	22.30.570
Mail Order & Vending							
Outdoor Retail Sales	A2	A2	A2				22.30.330
Restaurants	CUP		CUP	CUP		CUP	22.30.570
Roadside Stands - Permanent	SP	SP	SP(6)				22.30.510
Roadside Stands - Temporary	P	P	SP	SP			22.30.510
Sales Lots							22.30.530
Swap Meets							22.30.530

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RETAIL TRADE USES								
Auto, Mobile Home & Vehicle Dealers - Indoor		A1	A1	A1				22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor		MUP(5)	MUP	MUP				22.30.330
Automobile Service Stations / Gas Stations		MUP	SP	SP		MUP		22.30.130
Building Materials and Hardware		A1	A1	A1				22.30.140
with retail "ready-mix" concrete sales			CUP	A1				22.30.140
Convenience & Liquor Stores	MUP	A1	A1	SP		CUP		22.30.570
Farm Equipment & Supplies Sales			A1	A1				22.30.210
Fuel Dealers			A1	A1				22.30.220
Furniture, Home Furnishings & Equipment		A1	A1					
General Retail		A1	A1			CUP		
Grocery Stores	MUP	A1	A1	SP		CUP		22.30.570
Mail Order & Vending		A1	A1	A1				
Outdoor Retail Sales	A2	A2	A2	A2		A2	A2	22.30.330
Restaurants	MUP	A1	A1	MUP		CUP		22.30.570
Roadside Stands - Permanent						SP(6)		22.30.510
Roadside Stands - Temporary						SP(6)		22.30.510
Sales Lots			A2	A2				22.30.530
Swap Meets			MUP	MUP				22.30.530

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use not allowed within a central business district.
(6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.510.B.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
SERVICES							
Auto & Vehicle Repair & Service							22.30.120
Banks & Financial Services							
Business Support Services							
Car wash - Full Service							
Car wash - Self-Service							
Cemeteries and Columbariums			CUP	CUP			22.30.150
Child Day Care - Family Day Care Homes		A2	A2	A2	A2	A2	22.30.170
Child Day Care Centers		CUP	CUP	CUP	CUP	CUP	22.30.170
Construction Contractors							
Consumer Product Repair Services							22.30.190
Correctional Institutions		CUP					
Health Care Services							
Laundries & Dry Cleaning Plants							
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P	P		P	22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP	MUP		MUP	22.30.260
Lodging - Homestays				P	P		22.30.270
Lodging - Hotels & Motels, 39 or fewer units							22.30.280
Lodging - Hotels & Motels, 40 or more units							22.30.280
Lodging - Hotels & Motels, condominium							22.30.290
Lodging - Recreational Vehicle Parks							22.30.300
Offices							
Offices - Temporary during construction	P	P	P	P	P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP	MUP	MUP	22.30.600
Personal Services					CUP	CUP	22.30.350
Public Safety Facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Social Service Organizations							
Storage - Accessory	A1	A2	A2	A2	A2	A2	22.30.040
Storage - Outdoor Storage Yards							22.30.560
Temporary Construction Yards (Off-Site)	MUP	MUP	MUP	MUP	MUP	MUP	22.30.620
Waste Disposal Sites	CUP	CUP					

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
SERVICES								
Auto & Vehicle Repair & Service			A1	A1				22.30.120
Banks & Financial Services	A1	A1				SP		
Business Support Services			A1	A1				
Car wash - Full Service			A1	A1				22.30.120
Car wash - Self-Service			A2	A2				22.30.120
Cemeteries and Columbariums							CUP	22.30.150
Child Day Care - Family Day Care Homes	A2					A2		22.30.170
Child Day Care Centers	CUP					CUP		22.30.170
Construction Contractors			A1	A1				
Consumer Product Repair Services		A1	A1	A1				22.30.190
Correctional Institutions							CUP	
Health Care Services	A1	A1				MUP	A1	
Laundries & Dry Cleaning Plants			A1	A1				
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P			P		22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP			MUP		22.30.260
Lodging - Homestays								22.30.270
Lodging - Hotels & Motels, 39 or fewer units	MUP	MUP	MUP			CUP	MUP(6)	22.30.280
Lodging - Hotels & Motels, 40 or more units	CUP	CUP	CUP			CUP	UP(6)(6)	22.30.280
Lodging - Hotels & Motels, condominium	CUP	CUP	CUP			CUP		22.30.290
Lodging - Recreational Vehicle Parks		CUP(8)(8)	CUP(8)(8)		CUP(8)(8)			22.30.300
Offices	A1	A1	A1	A1			A1	
Offices - Temporary during construction	P	P	P	P		P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP		CUP	CUP	22.30.600
Personal Services	A1	A1	A1			MUP		22.30.350
Public Safety Facilities	MUP	MUP	MUP	MUP	SP(5)	MUP	MUP	
Social Service Organizations	A1	A1	A1	MUP			MUP	
Storage - Accessory	A2	A2	A2	A2	SP(5)	A2	A2	22.30.040
Storage - Outdoor Storage Yards			A1	A1		A1(7)	A1	22.30.560
Temporary Construction Yards (Off-Site)		SP	SP	SP		MUP	MUP	22.30.620
Waste Disposal Sites				CUP			CUP	

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) Allowable use limited to sites with public airport or port facilities
(7) Allowable use limited to storage yards for recreational vehicles and boats.
(8) Use also requires authorization from the California Department of Housing and Community Development.

See KEY TO PERMIT REQUIREMENTS on previous page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
TRANSPORTATION, COMMUNICATIONS & UTILITIES							
Airfields & Heliports	CUP	CUP	CUP				22.30.080
Broadcasting Studios							
Communications Facilities	CUP	CUP	CUP				22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.370
Transit Stations & Terminals							
Truck Stops							
Vehicle & Freight Terminals							
Vehicle Storage							22.30.630

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
TRANSPORTATION, COMMUNICATIONS & UTILITIES								
Airfields & Heliports	CUP(6)(6)		CUP(6)(6)	CUP	SP(5)	CUP	CUP	22.30.080
Broadcasting Studios	A1	A1	A1	A1			A1	
Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	SP(5)	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	A1	A1	SP(5)	CUP	CUP	22.30.370
Transit Stations & Terminals	SP	SP	SP	A1		SP	A1	
Truck Stops			A1	A1				
Vehicle & Freight Terminals			A1	A1				
Vehicle Storage	SP	SP	A1	A1		SP	A1	22.30.630

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.

(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.

(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.

(4) Business License Clearance may also be required; see Section 22.62.020.

(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.

(6) Allowable use limited to heliports.

See KEY TO PERMIT REQUIREMENTS on previous page.

22.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Title do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall be construed as exempting construction activities from the necessity of obtaining grading, building, and/or other construction permits prior to starting any work.

A. County projects. Public works projects constructed by the county or its contractors;

B. Repairs. Ordinary repairs to buildings, provided that such repairs shall not include any change in the approved land use of the site or building, or increase in the total floor area of the building; or

C. Walls and fences:

1. Walls or fences of 6'-6" or less in height, located in compliance with Section 22.10.080 (Fencing and Screening); or

2. Open wire fences of any height in the Agriculture and Rural Lands land use categories; or

D. Minor construction. The erection, construction, enlargement, removal or conversion of any building or structure, where:

1. The total valuation of work does not exceed $1,500 as determined by the county fee ordinance, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title; or

2. A one time expansion of the structure does not exceed 10 percent of the total floor area, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title.

E. Agricultural uses:

1. Agricultural accessory buildings. Structures designed and built to store farming implements, hay, grain, poultry, livestock, or horticultural products (not including commercial greenhouses or buildings associated with agricultural processing activities (Section 22.30.060)), in which there is no human habitation and which is not used by the public, are not required to have a land use permit unless the structure meets one or more of the following criteria:

a. The structure is proposed in an area designated other than Agriculture or Rural Lands by the Land Use Element; or

b. Is located within an airport review or flood hazard area combining designation; or

c. Is located on a site of less than 20 acres; or

d. Is located within 100 feet of any adjacent property or public road; or

e. Has a gross floor area exceeding 5,000 square feet or contains more than a single story plus storage loft; or

f. No existing or apparent agricultural use on the property.

An agricultural accessory building that satisfies any of the above criteria shall require a Zoning Clearance. An agricultural accessory building that is not required to have a land use permit is still subject to the standards of Section 22.30.060 B., C. and D. (Agricultural Accessory Buildings) and any other applicable provisions of this Title.

2. Crop production and grazing. No land use permit is required for crop production. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

[22.01.031]

CHAPTER 22.08 - PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS

Sections:

22.08.010 - Purpose of Chapter
22.08.020 - Applicability
22.08.030 - Project-Based Permit Requirements

22.08.010 - Purpose of Chapter

This Chapter establishes land use permit requirements for proposed development and new land uses based on characteristics of the use or project that may create environmental impacts and/or need particular attention in project design to ensure compatibility with adjacent land uses. *[22.03.010]*

22.08.020 - Applicability

The permit requirements of this Chapter apply to development and new land uses identified by Chapter 22.06 (Allowable Land Uses and Permit Requirements by Land Use Category) or Chapter 22.30 (Standards for Specific Land Uses) as being subject to the permit requirements of this Chapter.

22.08.030 - Project-Based Permit Requirements

Table 2-3 determines the type of land use permit required to authorize proposed development or a new land use, based on project characteristics.

A. To determine what land use permit is required to establish an allowable use, a proposed project must be compared with ***each*** land use and development characteristic listed in the left column of Table 2-3.

B. When a project involves more than one use listed in the left column of the table, or both a listed land use ***and*** a listed development characteristic, the most restrictive permit requirement shall apply. (Example: if a commercial building (included under "Retail Trade, Services and all other non-residential use groups") is proposed with 2,300 square feet of floor area, and will include a proposed paved area ("Impervious Surface") greater than one acre, a Minor Use Permit is required even though the floor area of the building itself would otherwise require a Zoning Clearance).

C. The permit requirement criteria shall be applied to the entire project site, regardless of intervening lot lines.

[22.03.040]

TABLE 2-3
PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS

Land Use or Development Characteristic	Criteria (1)	Permit Requirement			
		Zoning Clearance	Site Plan Review	Minor Use Permit	Conditional Use Permit
Dwellings	Number of proposed single- or multi-family dwellings per site (2)	4 or fewer	5 to 15	16 to 24	25 or more
Manufacturing & Processing, Outdoor Storage (3)	Gross floor area or outdoor use area	Less than 10,000 sf, or change in "A1" uses (5)	10,000 sf to 19,999 sf	20,000 sf to 39,999 sf	40,000 sf or more
Retail Trade, Services, and all other non-residential use groups (4)	Gross floor area or outdoor use area	Less than 2,500 sf, or change in "A1" uses (5)	2,500 sf to 9,999 sf	10,000 sf to 19,999 sf	20,000 sf or more
	and traffic circulation	with no drive-in or drive-through	and/or drive-in or drive-through	and/or drive-in or drive-through	
Site Disturbance	Area per site of grading requiring a permit, or removal of native vegetation	Less than 1 acre (6)	N.A. (6)	1 to 3 acres	More than 3 acres
Impervious Surface	Area per site of site coverage by paving and structures	Less than 1 acre (6)	N.A. (6)	1 to 3 acres	More than 3 acres

Notes:

(1) All criteria are cumulative for a single site (e.g. a proposed 3-unit expansion of an existing 39 unit apartment requires Conditional Use Permit approval).

(2) Or number of dwellings proposed to be constructed by a single developer, in a single subdivision that was recorded before March 19, 1962.

(3) Includes all uses listed under the Manufacturing & Processing land use group by Table 2-2, and the specific use identified by Table 2-2 as Storage Yards and Sales Lots.

(4) Includes all uses listed under the Retail Trade, Services, and all other land use groups by Table 2-2, except Residential, Manufacturing & Processing, and Outdoor Storage.

(5) When an allowed use (an "A1" use in Table 2-2) in an existing building is to be replaced with another allowed use that is required by Chapter 22.18 to have equal or less parking than the use being replaced, approval of a Zoning Clearance is required regardless of what permit was necessary for the original building, provided the building satisfies all applicable provisions of Chapter 22.72 (Nonconforming Buildings, Structures, Parcels, and Signs).

(6) A grading permit, drainage plan review or erosion and sedimentation plan review may be required by Chapter 22.52 (Grading and Drainage); and/or construction permits may be required by the Building and Construction Ordinance, Title 19 of this Code.

[Amended 1992, Ord. 2553; 1995, Ord. 2714] *[Table 3-A]*

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Site Planning and Project Design Standards

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CHAPTER 22.10 - GENERAL PROPERTY DEVELOPMENT AND OPERATING STANDARDS

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22.10.090 - Height Measurement and Height Limit Exceptions
22.10.100 - Lot Consolidation
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22.10.140 - Setbacks
22.10.150 - Solid Waste Collection and Disposal
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22.10.170 - Vibration
22.10.180 - Water Quality

22.10.010 - Purpose of Chapter

A. The provisions of this Chapter address the details of site planning, project design, and the ongoing conduct/operation of land uses. These standards are intended to ensure that all development produces an environment of stable and desirable character, and is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. *[22.04.010]*

B. The operational standards of this Chapter are established to protect residents from the adverse effects of excessive or objectionable emissions of noise or air contaminants that may be generated by land uses, activities, processes or equipment. *[22.06.010]*

22.10.020 - Applicability

A. The standards of this Chapter apply to all new land uses required to have a land use permit in compliance with this Title, except:

1. Where the standards of Chapters 22.14 (Combining Designation Standards), or Article 4 (Standards for Specific Land Uses) conflict with the provisions of this Chapter, the provisions of Chapters 22.14 and Article 4 prevail;

2. Where planning area standards Article 9 (Community Planning Standards) conflict with the standards of this Chapter, the planning area standards prevail.

B. A use existing on the effective date of this Title, or on the date of a subsequent amendment to this Title that applies more restrictive operational standards to the use, shall not be required to change their operations to comply with the provisions of Sections 22.10.030 (Air Quality), 22.10.050 (Explosives Storage), 22.10.070 (Flammable and Combustible Liquids Storage), 22.10.120 (Noise), 22.10.170 (Vibration), and 22.10.180 (Water Quality), unless a modification of the use is proposed that requires a permit. However, in no case shall existing operations be changed to result in a greater degree of noncompliance with these standards than existed on the effective date of this Title or amendment.

Nothing in this Chapter shall preclude the initiation of revocation, abatement or legal action against an existing use operated in violation of Sections 22.10.120 (Noise) or 22.10.170 (Vibration) or operated in manner that creates a public nuisance.

[Amended 1994, Ord. 2696] *[22.04.012, 22.06.020]*

22.10.030 - Air Quality

A. Air Pollution Control District (APCD) Review

1. **Purpose.** This Subsection establishes a procedure for the notification of the County APCD when a new land use is proposed to include equipment or activities that involve combustion, or the storage or use of hydrocarbons or other air contaminants.
2. **Applicability.** These provisions apply to any project for which a discretionary land use permit is required by this Title, except business licenses consistent with the most current guidelines of the Air Pollution Control District.

3. **Review procedure.** A copy of any application shall be forwarded to the Air Pollution Control District for review upon receipt by the Department. This referral is intended to enable the APCD to:

   a. Determine if the use proposed is required by the rules and regulations of the APCD to obtain an authority to construct or permit to operate;

   b. Determine if the proposed project exceeds the district's significance thresholds for significant air quality impacts from land use projects, and if mitigations are required.

   c. Contact and advise the applicant on applicable permit and air quality requirements, and to advise the Department of any APCD permit requirements.

      (1) In the case of a Zoning Clearance application, within 10 business days of application transmittal;

      (2) In the case of Minor Use Permit or Conditional Use Permit applications, notification of permit requirements, or special concerns or recommendations to be forwarded to the Review Authority shall be returned to the Department no later than 10 days before the public hearing on the application.

4. **Building Permit issuance.** When the APCD has notified the Department that authority to construct is required, the applicant is to provide the Department with evidence of approval of an authority to construct prior to issuance of a building permit. In the event that the APCD has not notified the Department of APCD permit requirements within 10 business days of application transmittal, the lack of notification shall not cause additional delay in permit issuance by the Department; however, permit issuance under such circumstances shall not exempt any person from the necessity of obtaining APCD permits if required.

5. **Certificate of Occupancy.** In cases where an APCD permit to operate is required, no certificate of occupancy shall be issued until the applicant has provided the Department with evidence of permit approval.

B. Odors. Any non-agricultural land use conducted in, or within one-half mile of an urban or village reserve line shall be operated so as not to emit matter causing noxious odors which are perceptible at the points of determination identified in the following table.

Land Use Category where Odor-Producing Use is Located	Point of Determination
Residential, Office and Professional, Recreation, Commercial	At or beyond any lot line of the lot containing the use.
Industrial	At or beyond the boundary of the Industrial category.

[Amended 1992, Ord. 2553; 1995, Ord. 2741] *[22.06.082, 22.06.084]*

22.10.040 - Archeological Resources

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

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. 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 shall be notified in addition to the Department so proper disposition may be accomplished.

[22.05.140]

22.10.050 - Explosives Storage

The storage of explosives is allowed only for the purpose of sales by a licensed vendor, or where the explosives will be used on the same site as the storage facility, as provided in this Section.

A. Applicability. The standards of this Section apply in addition to all applicable state and federal standards, including any regulations administered by the County Health Department, Fire Department, Sheriff's Office, Agricultural Commissioner, and Air Pollution Control District. If any standards of this Chapter conflict with regulations administered by other federal, state, or county agencies, the most restrictive standards apply.

B. Permit requirement. Conditional Use Permit approval within an urban or village reserve line; Minor Use Permit approval in rural areas. Separate land use permit approval is not required where the principal use of the site has been authorized through Conditional Use Permit approval, or in the case of a surface mining operation, where the operation has been authorized by an approved reclamation plan. This permit requirement is in addition to the permit required by the County Sheriff.

C. Location. Explosives storage is allowed only in the Agriculture, Rural Lands or Industrial land use category, or areas included within an Energy and Extractive Resource (EX) combining designation. A land use permit application that proposes explosives storage may be approved only where the Review Authority finds the proposed site is within an area that is open in character and essentially free of development.

D. Setbacks. Explosives storage shall not be located closer than 1,000 feet from any property line, except that storage in Class II magazines, as authorized in State law, shall not be located closer than 400 feet from any property line; provided that where the current edition of the Uniform Fire Code adopted by the County would require a greater setback than required by this Section, the greater setback shall apply.

E. Construction and buffering. Explosives storage shall be effectively screened by a natural landform or artificial barricade either surrounding the entire site or surrounding each storage magazine. Storage magazines shall be designed and constructed in compliance with the current edition of the Uniform Fire Code adopted by the County, and any applicable requirements of the County Sheriff. The landform or barricade shall be of such height that.

1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through the landform or barricade; and

2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a public street will pass through said landform or barricade.

Artificial barricades shall be a mound or rivetted wall of earth with a minimum thickness of three feet.

F. Time limit. Land use permit approval for storage of explosives may be granted for a maximum of five years, provided that the land use permit shall be subject to review by the Review Authority at any time. If, through such review, the Review Authority finds that circumstances or conditions have changed so the use no longer meets the requirements of this Section or the conditions of the land use permit, the permit may be revised or revoked, whichever is more appropriate.

[Amended 1982, Ord. 2091; 1992 Ord. 2553] *[22.06.124]*

22.10.060 - Exterior Lighting

The standards of this Section are applicable to all outdoor night-lighting sources installed after the effective date of this Title, except for street lights located within public rights-of-way and all uses established in the Agriculture land use category. No land use permit is required for lighting facilities, though an electrical permit may be required by Title 19 of this Code (the Building and Construction Ordinance).

A. Illumination only. Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display, except as provided by Chapter 22.20 (Signs).

B. Light directed onto lot. Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.

C. Minimization of light intensity. No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.

D. Light sources to be shielded.

1. **Ground illuminating lights.** Any light source used for ground area illumination except incandescent lamps of 150 watts or less and light produced directly by the combustion of natural gas or other fuels, shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding shall extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture.

2. **Elevated feature illumination.** Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source shall be shielded so as not to be directly visible from off-site.

E. Height of light fixtures. Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

F. Street lighting. Street lighting shall be designed to minimize light pollution by preventing the light from going beyond the horizontal plane at which the fixture is directed.

[Amended 1999, Ord. 2880] *[22.04.320]*

22.10.070 - Flammable and Combustible Liquids Storage

The storage of flammable or combustible liquids (those with flash points below 140ºF) is subject to the following standards.

A. Applicability. The standards of this Section apply in addition to all applicable state and federal standards, including any regulations administered by the County Health Department, Fire Department, Sheriff's Office, Agricultural Commissioner, and Air Pollution Control District. If any standards of this Chapter conflict with regulations administered by other federal, state, or county agencies, the most restrictive standards apply.

B. Permit requirements.

1. **Health Department permit.** A permit for the underground storage of hazardous substances, including but not limited to gasoline and diesel fuel, shall be obtained as set forth in Chapter 8.14 of this Code.

2. **Land use permit.** No land use permit is required for the storage of flammable or combustible liquids, except that where the quantity stored exceeds the limitations specified in Subsection D, Minor Use Permit approval is required unless the land use involving the storage of flammable or combustible liquids would otherwise be required by this Title to have Conditional Use Permit approval.

C. Limitation on use. The storage of flammable or combustible liquids for sale is allowed only in the Recreation, Commercial or Industrial categories, unless authorized by Conditional Use Permit approval.

D. Limitations on quantity. The quantity of flammable or combustible liquids stored on a site shall be limited as follows.

1. **Residential areas.** Five gallons, unless authorized through Conditional Use Permit approval. Excluded from this requirement are the storage of flammable liquids.

   a. In the fuel tanks of self-propelled vehicles, mobile power or heat generators or any other equipment that is accessory to the principal use of the site;

   b. For domestic space heating, cooking or similar purposes, provided that such storage containers and appliances shall satisfy all applicable county and state construction and safety regulations;

   c. The storage or use of paints, oils, varnishes or similar flammable or combustible mixtures when such liquids are stored for maintenance, painting or similar purposes.

2. **Other areas.** Storage shall be limited to the following quantities on any single building site, unless greater quantities are authorized through Conditional Use Permit or Minor Use Permit approval.

Maximum Quantity Allowed Based on Type of Storage		
Type of Liquid	**Aboveground**	**Underground**
Combustible	20,000 gallons	No limitation
Flammable	2,000 gallons	20,000 gallons

E. Setbacks. Aboveground storage facilities for flammable or combustible liquids shall be set back 50 feet from any property line or residential use, or as otherwise required by the Uniform Fire Code or Uniform Building Code where a smaller setback is allowed by those codes.

F. Additional standards.

1. All storage of bulk flammable liquids within an urban or village reserve line shall be underground, except:

   a. As specified by Subsection D.1;

   b. Where a petroleum refining or related industrial use is authorized in an Industrial category through Conditional Use Permit approval;

   c. Where an automobile service station or other approved vendor of flammable liquids stores such liquids for sale in approved quantities and containers.

   d. Where an approved use stores such liquids for sale in approved quantities and containers accessory to that approved use

   e. Where a public agency maintains a corporation yard or other approved service facility in a Public Facilities or Industrial land use category, and such storage is authorized through Minor Use Permit.

   f. In a Commercial Service or Industrial land use category where authorized through Minor Use Permit.

2. All aboveground storage of flammable and combustible liquids shall be within types of containers approved by the county fire chief.

[Amended 1984, Ord. 2163; 1986, Ord 2250; 1987, Ord. 2293; 1992, Ord. 2553; 1999, Ord. 2880]

[22.06.126]

22.10.080 - Fencing and Screening

Standards for fencing and screening are established by this Section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. Fencing is the enclosure of an area by the materials identified in Subsection C. Screening is the enclosure of an area by a visual barrier, which may include solid fencing, or other materials as specified in Subsection E.

A. Fencing and screening - where required. Within urban and village reserve lines (except in Agriculture categories), and Commercial Retail and Recreation land use categories in rural areas, fencing and/or screening shall be provided as required by this Section. Unless otherwise specified, fencing and screening shall be a minimum height of six feet.

1. **Mechanical equipment.** When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

   a. **Roof-mounted equipment.** To be screened by architectural features from the view of abutting streets.

   b. **Equipment at grade.** When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.

2. **Multiple-family projects.** Multi-family residential projects shall be screened on all interior property lines. [Added 1982, Ord. 2091]

3. **Outdoor storage.** To be screened on all sides by a solid wall or fencing.

4. **Side and rear lot lines.** The side and rear property lines of all non-residential uses shall be screened as follows:

   a. **Adjacent to a residential use or category.** A solid wall or fencing shall be located on side and rear property lines of any non-residential or non-agricultural use abutting a residential use or land use category, except for parks, golf course greens and fairways.

   b. **Industrial and Commercial Service categories.** A solid wall or fencing shall be located on the side and rear property lines of any site within an Industrial or Commercial Service category that abuts another land use category.

5. **Swimming pools.** Yard areas with private swimming pools shall be fenced in compliance with the Uniform Building Code.

B. Exceptions to fencing and screening requirements.

1. **Buildings abutting property lines.** Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

2. **Location adjustment.** Where property line fencing or screening is required, the location may be adjusted (see Section 22.70.030) so the fencing may be constructed at or within the setback line, provided the areas between the fence and the property lines are landscaped, or in rural areas, retained in their natural vegetative state.

3. **Conditions of approval.** Where a greater height is required by any other provision of this Title or by a condition of approval, the requirements of this Section shall not apply. [Added 1994, Ord. 2696]

4. **Modification of fencing and screening requirements.** Any of the requirements of this Section may be waived or modified through Minor Use Permit approval, provided the Director first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

C. Standards for fencing and screening materials. All fencing and screening shall comply with the following material and height limitations based on the location of the fence:

Location of fence or wall	Land use category where standards apply	Maximum Height of fence or wall	Allowable screening materials	Land use permit required
Outside of Setbacks	All	6 feet 6 inches (height limit does not apply to plants)	Solid structures or plants (1)	None
	All	12 feet (height limit does not apply to plants)	Open structures or plants (2)	None
	All	12 feet (height limit does not apply to plants)	Solid structures or plants	Zoning Clearance (3)
Within front setback	All	3 feet	Solid structures or plants	None
	AG, RL, RR, RS	6 feet 6 inches	Open structures or plants	None
	RSF, RMF	6 feet 6 inches	Solid structures or plants	Minor Use Permit (4)

Location of fence or wall	Land use category where standards apply	Maximum Height of fence or wall	Allowable screening materials	Land use permit required
Within street side setback	All	3 feet	Solid structures or plants	None
	All	6 feet 6 inches	Open structures or plants	None
	All	6 feet 6 inches	Solid structures or plants	Minor Use Permit (4)
On side or rear property lines OR Within interior side or rear setbacks	All	6 feet 6 inches (5)	Solid structures or plants **or** Open structures or plants	None
	CR, CS, IND	12 feet (6)	Solid structures or plants **or** Open structures or plants	Zoning Clearance[3]

Notes:

(1) Solid wood or masonry materials, or plant materials that comply with Subsection E., or other solid materials approved by the Department.

(2) Open wire or chain link or other materials approved by the Department that permit the passage of a minimum of 90 percent of light.

(3) Must be authorized by a building permit and constructed consistent with the requirements of the Uniform Building Code.

(4) To approve a Minor Use Permit, the Review Authority shall first find that the proposed fencing or screening:

a. Is necessary to enclose private open space for a dwelling because alternative areas such as rear or side yards do not exist or are unsuitable for such use; and

b. Will not block visibility of the front entrance to the dwelling from the street; and

c. Will not impair safe sight distances for vehicle traffic; and

d. Will not exceed 6' - 6" in height.

(5) The 6 foot 6 inch height limitation does not apply to vegetation growing on an interior side or rear property line or within an interior side or rear setback.

(6) Fences up to 12 feet in height may only be constructed on a property line where a building may be constructed on a property line.

D. Gateposts. Gateposts and other superstructures over site entrances and exits may be up to 14 feet 6 inches in height as measured from the surface of the ground to the bottom of the structure, but in no case shall the top of the structure be more than two feet above that height; provided that any gateposts or superstructures above six feet six inches in height shall not block visibility of the front entrance to the dwelling from the street or adjacent properties and will not impair safe sight distances for vehicle traffic and are authorized by a building permit and constructed consistent with the requirements of the Uniform Building Code.

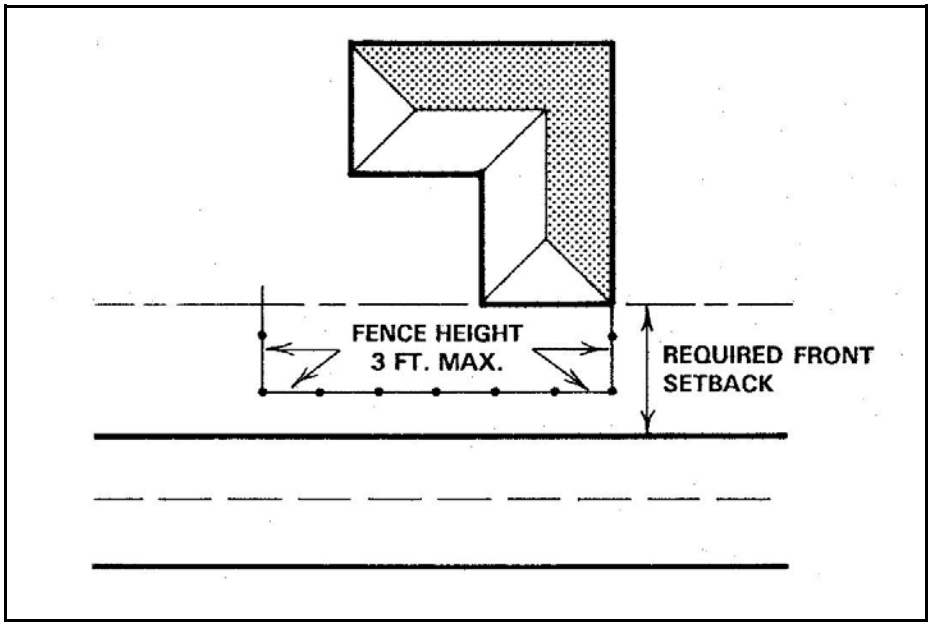

Figure 10-1 - Fence Height Example

E. Screening materials substitution. Where screening is required by this Title to be a solid fence or wall, the following materials may be substituted through adjustment (Section 22.70.030), except a solid fence or wall must be used where screening is required adjacent to a residential use or category.

1. Landscape screen. Screening plant materials may be substituted for a wall or fence, where:

a. Proposed plant materials are certified in writing by a registered landscape architect, certified nurseryman or licensed landscape contractor as having the capability of achieving 60 percent of total view blockage within 18 months of installation, and 100 percent of total view blockage within 36 months of installation; and

b. The applicant agrees in writing to install solid fencing after the expiration of 36 months, and posts a performance bond or other appropriate security approved by the County for one hundred percent of the estimated cost to install solid fencing, in the event that the planting has not totally blocked the view of areas required to be screened.

2. **Berms.** A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is not less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of 3:1, with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two feet in width at the highest point of the berm, extending the length of the berm.

3. **Slatted chain-link fencing.** Chain-link fencing with slats and landscaping may be substituted for a solid wall or fence in an Industrial category, except where screening or fencing is required adjacent to another land use category.

[Amended 1986, Ord. 2250; 1987, Ord. 2314; 1989, Ord. 2409; 1992, Ord. 2553; 1994, Ord. 2696; 1994, Ord. 2696; 1999, Ord. 2880] *[22.04.190]*

22.10.090 - Height Measurement and Height Limit Exceptions

A. Purpose. This Section limits the height of structures as needed to: support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.

B. Measurement of height. The height of a building or structure shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site; except that finished grade instead of natural grade shall be the basis for height measurement where:

1. A site is graded or filled in compliance with approved subdivision improvement plans, or a grading permit that was approved to authorize.

   a. Grading or fill to conform the elevation of the building site with that of adjoining developed sites; or

   b. Fill to mitigate flood hazards in compliance with the provisions of Section 22.14.060 et seq.; or

   c. Fill determined by the Environmental Coordinator and Director to be necessary to mitigate the impacts of allowable development on archeological resources, which shall not exceed a depth of 24 inches unless specifically authorized by the Director.

2. The site was graded or filled in compliance with a grading permit approved before June 25, 1992.

3. An adjustment (22.70.030) is approved by the Director on the basis that the site was filled before January 1, 1981.

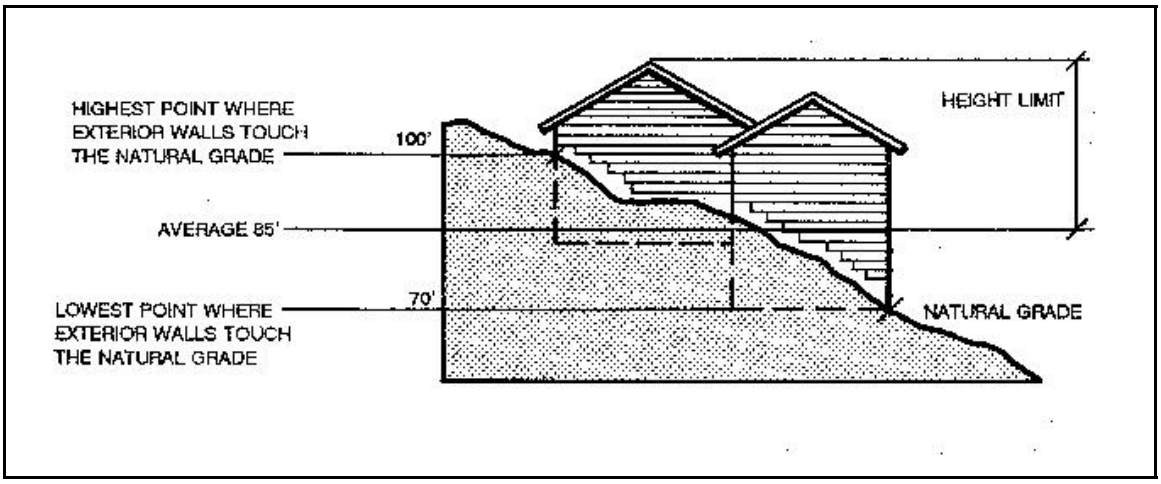

Figure 10-2 - Measurement of Height - Example 1

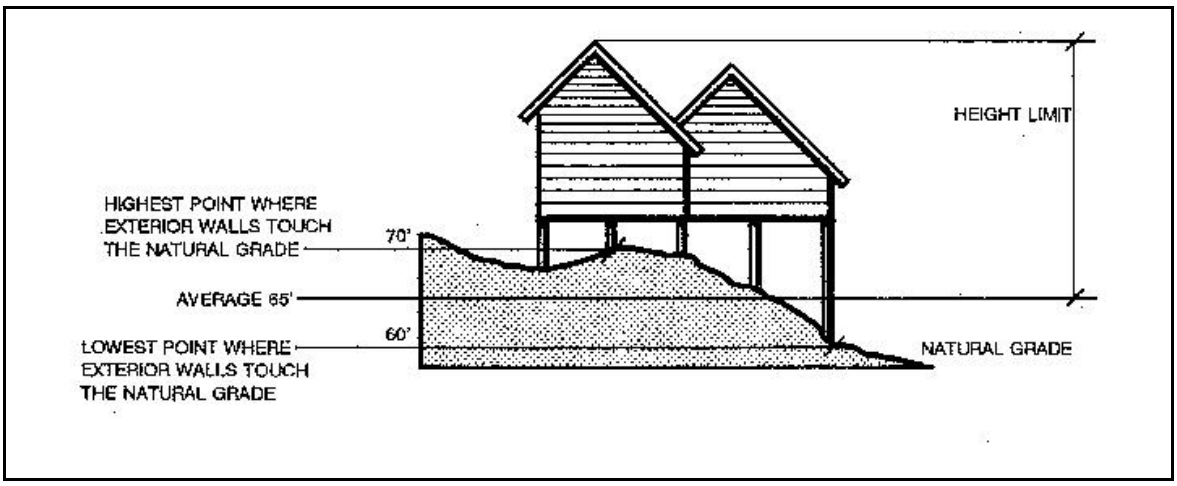

Figure 10-3 - Measurement of Height - Example 2

C. Height limits. The maximum height for new structures is as follows, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards). (For allowed fence heights, see Section 22.10.080.C.)

1. Maximum allowed height by land use category.

Land Use Category	Maximum Height
Agriculture, Rural Lands	35 feet
Commercial	
In Central Business District	45 feet
Elsewhere	35 feet
Industrial	45 feet
Office & Professional	35 feet
Open Space	25 feet
Recreation	35 feet
Public Facilities	45 feet
Residential	
Single Family, Rural and Suburban	35 feet
Multi-Family	
Low intensity	35 feet
Medium Intensity	35 feet
High intensity	45 feet

2. Exceptions to height limitations.

a. Commission modifications. Buildings and structures exceeding the heights permitted in Subsection C.1. may be authorized through Conditional Use Permit approval, provided the Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction.

b. Residential exceptions.

(1) Additional height. The height limitations specified by Subsection C.1 for residential buildings may be adjusted (Section 22.70.030) to allow additional height to a maximum of 45 feet, provided that the required side, rear and interior setbacks shall be increased one foot in width for each foot of height over 35 feet.

(2) Downhill lot. Where the average front-to-back slope of a lot is greater than one foot of fall in seven feet of distance (14.2 percent average slope) from the centerline of the street to the rear face of the proposed building, up to 5 feet may be added to the allowed height limit (Subsection C.).

c. Uninhabited structures. The height limits specified in Subsection C.1. do not apply to the following structures (measurement of height is from the ground, as set forth in Subsection A.):

(1) Radio and television receiving antennas. The type customarily used for home radio and television receivers, as well as amateur and commercial transmitting antennas, when 50 feet or less in height.

(2) Flagpoles. 50 feet or less in height.

(3) Agricultural structures. Barns, grain elevators, silos, water tanks, windmills, wind generators and all other similar structures not containing residential uses and located in the Agriculture, Rural Lands, Residential Rural, Residential Suburban and Industrial land use categories.

(4) Chimneys. No more than 100 feet in height located in the Industrial category; and all other chimneys and roof vents extending no more than three feet above the height limit specified in Subsection C.1.

(5) Industrial. Industrial towers, non-portable equipment and other uninhabited structures no more than 60 feet in height located in an Industrial land use category.

(6) Construction equipment. All portable construction equipment.

(7) Public utilities. Poles and structures for providing electrical and communications services.

(8) Solar collectors. Not more than five feet above the height limit specified in Subsection C.1.

[Amended 1984, Ord. 2163; 1986, Ord. 2267; 1988; Ord. 2344; 1992, Ord. 2553] *[22.04.120, 122, 124]*

22.10.100 - Lot Consolidation

In any residential or Rural Lands land use category, any single ownership of two or more adjoining vacant lots with continuous frontage, shall be considered a single parcel of real property except as otherwise provided by this Section. No sale or transfer, or division of less than all of such single parcel shall occur unless the portion or portions of the single parcel to be sold, transferred or divided, are in conformity with the provisions of this Title as modified by this Section.

Type of Water and Sewer Systems	Minimum Lot Area	Minimum Lot Width
Community sewage system and any approved water system	3,500 sf	40 ft (1)
Septic system and community water system	6,000 sf	50 ft (1)
Septic system and domestic well	1 acre	50 ft (1)

Notes:
(1) Minimum width is measured along the front setback line (Section 22.10.140).

[Amended 1981, Ord. 2063] *[22.04.050]*

22.10.110 - Minimum Site Area

A. Purpose and applicability. Minimum site area is the smallest existing lot size for which a building permit will be issued. Sections 22.10.100 through 22.10.110 set minimum site area standards for the use of existing lots of record. These standards are not to be used to determine the required parcel size for new land divisions, which are instead subject to Chapter 22.22 (Land Division Standards). Any legally created lot may be used for any use identified as allowable in the applicable land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements), regardless of whether the lot satisfies the minimum size requirements of Chapter 22.22 for new lots, provided that:

1. The existing lot proposed for use is not smaller than the minimum site area required for the proposed use by Subsection C. (Required Area), or Chapter 22.30 (Standards for Specific Land Uses), or by the planning area standards of Article 9.

2. The lot is of sufficient size to satisfy all applicable requirements of this Chapter, without the need for a variance based upon inadequate parcel size.

3. The proposed use is authorized by the appropriate land use permit as determined by Article 2 or Chapter 22.30, or planning area standard of Article 9.

[Added 1984, Ord. 2163; Amended 1992, Ord. 2553]

B. Area measured. For the purpose of determining whether a specific lot or contiguous lots satisfy these standards for minimum building site, no portion of an existing or proposed abutting street right-of-way shall be included in the area calculated.

C. Required area. The following land uses shall be located only on sites with the minimum areas specified, unless other minimum site area requirements are established by Chapter 22.30 for specific uses, by Chapter 22.14 for combining designations or by planning area standards in Article 9.

Type of Land Use	Minimum Site Area
Agricultural, Resource, and Open Space Uses	None required
Industry, Manufacturing & Processing, Warehousing	None required except as follows
Food and beverage products	5 acres for tallow works and rendering plants; none required otherwise.
Metal industries, primary	5 acres
Paving materials	1 acre
Petroleum refining and related activities	20 acres for refineries and tank farms; 20,000 sf for petroleum product distributors where all storage is underground or within a building.
Wholesaling and distribution	None required
Recreation, Education & Public Assembly Uses	None required except as follows
ORV courses	20 acres, or larger as required by Conditional Use Permit approval
Public assembly & entertainment	20,000 sf. A theater within a shopping center or parking district may have the minimum area combined with other uses and common parking facilities.
Residential Uses	
Multi-family dwellings	6,000 square feet for two units. Minimum site area for additional units is established by Section 22.10.130.B (Multi-Family Dwellings).
Single-family dwellings	1,750 sf (1)
Mobile homes	As required by Section 22.30.450 (Residential - Mobile Homes).
Retail Trade Uses	None required

Type of Land Use	Minimum Site Area
Services	None required, except where Chapter 22.22 would require a larger minimum parcel size for the land use category where the use is proposed.
Correctional institutions	20 acres
Waste disposal sites	20 acres
Transportation & Communications	None required for communications uses, piers, pipelines and transmission lines, public utility facilities, transit stations and terminals. 1 acre for other transportation uses.

Notes:

(1) Except where a larger site area is provided by Section 22.10.100, Lot Consolidation, one acre is required where a well and septic system shall be located on a single lot; 2-½ acres is required where a lot is proposed to have a septic system, and is located within a Domestic Reservoir Watershed as defined by Section 19.20.222b(3) of the Building and Construction Ordinance, except that no minimum is required where a lot is part of an approved cluster subdivision with a maximum density of 2.5 acres per dwelling unit or more. No land within a horizontal distance of 200 feet from the reservoir impoundment, as determined by the spillway elevation, shall qualify for computing minimum site area, residential density, or for septic system siting; and

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.04.040, 042, 044]*

22.10.120 - Noise Standards

This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.

A. Exceptions to noise standards. The standards of this Section are not applicable to noise from the following sources.

1. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;

2. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work to protect life or property;

3. Safety signals, warning devices, and emergency pressure relief valves;

4. Noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday;

5. Noise sources associated with the maintenance of a residential use as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), provided that the activities take place between the hours of 7 a.m. and 9 p.m.;

6. Noise sources associated with agricultural land uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices.

7. Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;

8. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements).

9. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by state or federal law.

B. Exterior noise level standards. The exterior noise level standards of this Section are applicable when a land use affected by noise is one of the following noise-sensitive uses: residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.

1. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by the person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10 dB.

Maximum Allowed Exterior Noise Level Standards		
Sound levels	**Daytime 7 a.m. to 10 p.m.**	**Nighttime (1) 10 p.m. to 7 a.m.**
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum level, dB	70	65

Notes:
1. Applies only to uses that operate or are occupied during nighttime hours

2. In the event the measured ambient noise level exceeds the applicable exterior noise level standard in Subsection B.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.

3. Each of the exterior noise level standards specified in Subsection B.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the exterior noise level standards.

C. Interior noise level standards. The interior noise level standards of this Section are applicable when the land use which is the source of noise and the land use which is affected by noise are both residential uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings.

1. No person shall operate or cause to be operated a source of noise within a residential use in any location in the unincorporated areas of the county or allow the creation of any noise which causes the noise level when measured inside a residential use located in either the incorporated or unincorporated area to exceed the interior noise level standards in the following table.

Maximum Allowed Interior Noise Levels		
Sound Levels	**Daytime 7 a.m. to 10 p.m.**	**Nighttime 10 p.m. to 7 a.m.**
Hourly Equivalent Sound Level (L_{eq}, dB)	40	35
Maximum level, dB	60	55

2. In the event the measured ambient noise level exceeds the applicable interior noise level standard in Subsection C.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.

3. Each of the interior noise level standards specified in Subsection C.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the interior noise level standards.

D. Other noise sources. The noise level standards in this Section apply to the following.

1. **Air conditioning and refrigeration.** Notwithstanding the provisions of Subsection B.1, when the intruding noise source is an air conditioning or refrigeration system or associated equipment installed prior to June 4, 1992, the exterior noise level as measured as provided in Subsection E. shall not exceed 55 dB, except where the equipment is exempt from the provisions of this Chapter. The exterior noise level shall not exceed 50 dB for equipment installed or in use after June 4, 1993.

2. **Waste and garbage collection equipment.** Notwithstanding the provisions of Subsection B.1, noise sources associated with the collection of waste or garbage from a residential use (as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements) by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before 7 a.m. or after 7 p.m., and the noise level created by these activities when measured at a distance of 50 feet in an open area shall not exceed the following standards.

   a. 85 dB for equipment in use, purchased or leased prior to December 4, 1992.

   b. 80 dB for the equipment described in Subsection D.1 after June 4, 1997.

   c. 80 dB for new equipment purchased or leased after December 4, 1992.

   d. 75 dB for new equipment purchased or leased after June 4, 1995.

3. **Electrical substations.** Notwithstanding the provisions of Subsection B.1, noise from the following electrical substations shall not exceed an exterior noise level of 50 dB between 10 p.m. and 7 a.m. and 55 dB between 7 a.m. and 10 p.m., as determined at the property line of the receiving land use: Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Callendar, and Mustang. If any of these substations undergo modifications that increase noise levels, they shall be mitigated in compliance with the policies of the Noise Element Policy Document.

E. Noise level measurement. For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.

1. **Use of meter.** Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.

2. **Measuring exterior noise levels.** Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.

3. **Measuring interior noise levels.** Interior noise levels shall be measured within the affected residential use listed in Subsection C., at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

[Amended 1992, Ord. 2545] *[22.06.040, 042, 044, 046, 048, 050]*

22.10.125 - Non-Taxable Merchandise Limitations

A. Limits on non-taxable sales.

1. For retail trade uses of 90,000 to 139,999 square feet of floor area (for a single use), no more than three percent of the floor area may be devoted to non-taxable merchandise.

2. For retail trade uses of 140,000 to 250,000 square feet of floor area (for a single use), no more than two percent of the floor area may be devoted to non-taxable merchandise.

3. For retail trade uses exceeding 250,000 square feet of floor area (for a single use), no more than one percent of the floor area may be devoted to non-taxable merchandise.

B. Reporting. The owner of a retail trade use exceeding 90,000 square feet of floor area shall annually provide a report to the Department of Planning and Building specifying the square footage of the retail store and the percentage of the floor area the square footage represents that was devoted to the sale of non-taxable merchandise during the previous year. This report shall be filed no later than February 28 of the year following

C. Aggregate use. In applying this section, floor areas of adjacent retail uses shall be aggregated when those uses share checkstands, management, a controlling ownership interest, a warehouse or a distribution facility.

[Added 2000, Ord. 2913] *[22.04.360]*

22.10.130 - Residential Density

The number of dwelling units that may be established on a site that complies with Section 22.10.110 et seq. (Minimum Site Area), is based upon the land use category applied to the site by the Land Use Element. This Section determines the maximum number of single- or multi-family units that may be allowed. The number of caretaker and farm support units are determined instead by Sections 22.30.430 and 22.30.480.B and C., respectively.

A. Single-family dwellings. In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single-family dwellings or mobile homes as permitted or conditional uses, the number of dwellings allowed on a single lot is as follows, provided that mobile homes shall also comply with Section 22.30.450 (Residential - Mobile Homes):

1. **Rural Lands:** Two for each legal parcel (parcel is defined in Chapter 22.80).

2. **Residential land use categories:** One for each legal parcel, except as follows:

   a. **Areas with special density standards.** Where planning area standards of Chapter 22.09 (Community Planning Standards) establish density requirements, the planning area standards shall control and determine the number of allowed dwelling units.

   b. **Density bonus projects.** The number of dwelling units allowed in a project that proposes affordable housing in compliance with Government Code Section 65915 shall be as determined by Chapter 22.12 (Affordable Housing Incentives).

   c. **Residential Multi-Family category.** The number of dwelling units allowed on a lot in the Residential Multi-Family category shall be as allowed in Subsection B.

   d. **Secondary dwellings.** A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential - Secondary Dwellings).

   e. **Detached guesthouse or home office.** A detached guesthouse or home office may be established accessory to the unit authorized by this Section, in compliance with Section 22.30.410.E. (Guesthouses and home offices).

3. **Recreation category.** The number of dwelling units allowed on a lot in the Recreation category is as follows:

   a. **Rural areas:** One unit per five acres where no community water or sewer service is provided; one unit per acre where community water or community sewer is provided.

b. **Urban or village areas:** One unit per acre, except that one unit per 6,000 square feet is allowed where community sewer is provided. Community water is required for any residential development in a Recreation category within an urban or village reserve line.

Nothing in this Section shall be construed as having any effect upon a land division request.

B. Multi-family dwellings. The number of multiple family dwellings allowed on a single lot or adjoining lots is based upon the "intensity factor" of the site. The intensity factor will be either low, medium or high, based upon the type of street serving the site, the sewer service provided, and the distance of the site from the central business district. The intensity factor determines the maximum number of units allowed, the maximum floor area for all units in the project and minimum areas for landscaping and pedestrian use. A multi-family project must satisfy the floor area and open area standards of this Section, as well as all applicable requirements for parking, setbacks and height. (Multi-Family dwellings in the Recreation Category are subject to Section 22.30.500 (Residential Uses in the Recreation Land Use Category.)

1. **Determining intensity factor.** The intensity factor is the lowest obtained from any of the following criteria:

Criteria		Intensity Factor		
		Low	Medium	High
Type of road access	Unpaved road	✔		
	Paved local street		✔	
	Paved collector or arterial (1)			✔
Sewer service	On-site septic	✔		
	Community sewer			✔
Distance from CBD(2)	More than 1 mile	✔		
	1 mile or less		✔	
	Less than 1,000 ft			✔

Notes:
(1) Site access may be from a cross street where the site abuts a collector or arterial.
(2) Straight-line distance from central business district (CBD).

2. **Determining allowable density.** The allowable density, maximum floor area and minimum open area for a multiple-family project shall be shown in the following table (all area figures are expressed as percentages of the total usable site area). A minimum of 6,000 square feet of site area is required to establish more than one dwelling unit, in compliance with Section 22.10.110.C (Minimum Site Area - Multi-Family Dwellings):

Intensity Factor	Maximum number of units per acre	Maximum floor area (1)	Minimum open area (2)
Low	15	35%	55%
Medium	26	48%	45%
High	38	65%	40%

Notes:
(1) The gross floor area of all residential structures, including upper stories, but not garages and carports.
(2) Includes required setbacks, and all areas of the site except buildings and parking spaces.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1985, Ord. 2211, 2217; 1992, Ord. 2553; 1999, Ord. 2880] *[22.04.080, 082, 084]*

22.10.140 - Setbacks

This Section determines the minimum size and allowable uses of setbacks for buildings. These standards provide for open areas around structures where needed for visibility, traffic safety and fire safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

A. Exceptions to setback standards. All proposed development and new land uses shall comply with the minimum setback requirements of this Chapter ***except*** the following (see also Subsection H., Projections Into Required Setbacks):

1. Fences, hedges or walls as allowed by Section 22.10.080.C (Standards for fencing and screening materials).

2. Decks, terraces, steps, earthworks and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of 30 inches above the surrounding finished grade, provided that no such wood structure shall extend closer than 36 inches to a property, unless it complies with applicable fire resistive construction requirements of the Uniform Building Code.

3. Areas where special setbacks have been established through adoption of building line maps (Section 22.01.030.B), tentative or vesting tentative map approval, Conditional Use Permit approval for a cluster or agricultural cluster development, planning area standard, specific plan, or by Article 4 for a specific use, in which cases the special setbacks apply in place of the setbacks of this Chapter.

4. Areas where an official plan line for road right-of-way has been established, in which case the front or street-side setbacks required by this Title shall be measured from the plan line instead of from the property line that would otherwise be the basis for setback measurement.

B . Adjustments to setback standards. Within urban and village reserve lines, on sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Chapter 22.22 for the applicable land use category, or as set by planning area standard. [Added 1994, Ord. 2696]

C. Use of setbacks. Required setback areas shall be landscaped when required by Chapter 22.16 (Landscaping Standards), and shall be unobstructed by any building or structure with a height greater than three feet, except where otherwise provided by Subsection E.3, F.1, H., and Section 22.10.080.G, or Chapter 22.20. The use of setbacks for parking is subject to Section 22.18.030 (Location of Parking on a Site).

D. Front setbacks. The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Chapter 22.16, and Section 22.10.080, respectively.

1. Basic front setback requirement. All structures with a height greater than three feet shall be set back a minimum of 25 feet from the nearest point on the front property line; except where this Section establishes other requirements or where otherwise provided by Chapter 22.20 (Signs) or Section 22.10.080 (Fencing and Screening).

2. Residential uses. All residential uses except for second-story dwellings over a commercial or office use shall have a minimum front setback of 25 feet, except as follows:

a. Shallow lots. The front setback shall be a minimum of 20 feet for any legally-created lot with an average depth less than 90 feet.

b. Sloping lot adjustment. In any case where the elevation of the natural grade on a lot at a point 50 feet from the centerline of the adjacent street right-of-way is seven feet above or below the elevation of the centerline, required parking (including a private garage) may be located, at the discretion of the applicant, as close as five feet to the street property line, in compliance with Section 22.70.030 (Adjustment), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.

c. Variable setback block. Where a residential block is partially developed with single-family dwellings having less than the required front setbacks, and no uniform front setback is established by a planning area standard, the front setback may be adjusted (Section 22.70.030) at the option of the applicant, as follows:

(1) Prerequisites for adjustment. Adjustment may be granted only when 25 percent of the lots on the block with the same frontage are developed, and the entire block is within a single land use category.

(2) Allowed adjustment. The normally required minimum front setback shall be reduced to the average of the front setbacks of the existing dwellings (which include attached garages but not detached garages), to a minimum of 10 feet.

d. Planned development or cluster division. Where a new residential land division is proposed as a planned development, condominium or cluster division (Section 22.22.140), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. [Added 1982, Ord. 2091]

e. **Lots with parkways.** Where a lot is fronted by a fixed-width parkway between the curb and sidewalk, or meandering sidewalk that varies the parkway separation between the curb and the sidewalk, and where in either case the parkway is landscaped with one or more street tree for each 50 feet of frontage, and turf or low maintenance plants, the front setback may be reduced to a minimum of 15 feet for all portions of the residence except the garage. The garage shall have a minimum front setback of 25 feet.

3. **Commercial and office categories.** No front setbacks are required within a central business district; a 10-foot front setback is required in Commercial and Office categories elsewhere. Ground-floor residential uses in Commercial and Office categories are subject to the setback requirements of Subsection D.2

4. **Industrial category.** A minimum 25-foot front setback is required except on interior and flag lots, where the front setback shall be the same as that required for side setbacks by Subsection E. [Added 1986, Ord. 2250]

5. **Recreation category.** A minimum 10-foot front setback is required, provided that residential uses are subject to the setback requirements of Subsection A.

6. **Double frontage lots.**

   a. **Selecting the setback location.** Where double frontage setback locations are not specified by subdivision requirements or other applicable regulations, the applicant may, except as otherwise provided in this Section, select the front setback street unless 50 percent of the lots on a double frontage block are developed with the same front yard orientation. In that case all remaining lots shall orient their front setbacks with the majority.

   b. **Double frontage setback requirements.** A full front setback shall be provided adjacent to one frontage, and a setback of one-half the required front setback depth adjacent to the other frontage; except that where the site of a proposed multiple-residence project includes an entire block, the project shall be designed to provide required front setbacks on the two longest street frontages.

7. **Flag lots and easement access.** The front setback for a lot with no street frontage other than a fee ownership access strip or an access easement extending from a public street to the buildable area of the lot shall be measured from the point where the access strip or easement meets the bulk of the lot, to establish a building line parallel to the lot line nearest to the public street.

E. Side setbacks. The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas.

1. General side setback requirements. These requirements apply except where otherwise provided by Subsections E.2 through E.6. See Subsection H. (Projections into Required Setbacks) for additional applicable standards. The required general side setback is measured at the front setback line as follows:

a. Within urban and village areas: 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet, and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 22.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.

b. Within rural areas: 10 percent of the lot width to a maximum of 25 feet, but not less than three feet, on sites of less than one acre in net area, and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F.

2. Corner lots. The side setback on the street side of a corner lot within urban and village areas and on sites of less than one acre shall be a minimum of 10 feet, except that:

a. Central business districts. In a central business district no side setback is required;

b. Narrow lots. A site having a width of 50 feet or less shall be provided a minimum of a five foot setback.

c. Adjacent to key lot. A corner lot adjacent to a key lot shall be provided a side setback equal to one-half the depth of the required front setback of the key lot except that:

(1) Where the corner lot is less than 50 feet in width, the setback shall be a minimum of 10 feet.

(2) Where an alley is between the corner lot and a key lot, the setback on the street side of the corner lot shall be five feet.

d. Rural areas and sites of one acre or larger. In rural areas and on sites of one acre or larger in net area, the street side setback shall comply with Subsection E.1.b.

3. **Accessory buildings or structures.** A side yard may be used for an accessory building or structure no greater than 12 feet in height, provided that it is not used for human habitation and is either:

   a. Located no closer than three feet to any property line; or

   b. Established on the property line as a common wall structure in compliance with Subsection E.6, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.

   In addition, accessory buildings and structures shall satisfy all applicable provisions of Section 22.30.410 (Residential - Accessory Uses). [Added 1982, Ord. 2091]

4. **Commercial and Industrial land use categories.** No side setback is required in the Commercial or Industrial land use categories, except:

   a. As required for corner lots by Subsection E.2; or

   b. Where required by the Uniform Building Code; or

   c. Adjacent to a residential category. When the commercial or industrial site is adjacent to a Residential land use category, in which case the side setback adjacent to the Residential category shall be a minimum of 10 feet, and shall be landscaped as set forth in Chapter 22.16. The minimum setback shall be increased one foot for each three feet of commercial or industrial building height above 12 feet.

5. **Office and Professional category.** Side setbacks shall be provided as set forth in Subsection E.4, except within a central business district no side setback is required.

6. **Side setbacks for special development types.**

   a. Airspace condominiums. The side setback for a building constructed within a common-ownership parcel on a smaller individually-owned parcel or within airspace, shall be the same as required for interior setbacks by Subsection G. (Interior Setbacks and Open Areas).

   b. Common wall development. Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

      (1) The setback has been eliminated through subdivision map or Conditional Use Permit approval; and

      (2) A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and

      (3) The side setbacks opposite the common wall property line are not less than two times the minimum width required by this Section.

(4) Common wall construction is in compliance with the Uniform Building Code.

c. Zero lot line development. A group of dwelling units on adjoining lots may be established so that all units abut one side property line, provided that:

(1) The setback has been eliminated for an entire block through subdivision map or Conditional Use Permit approval; and

(2) The modified setback requirements for the block are recorded as part of a subdivision map, deed restriction, or other enforceable restriction.

(3) The side setback shall not be eliminated or reduced on the street side of a corner lot.

(4) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this Section.

F. Rear Setbacks. The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line. The minimum rear setback is 10 feet on sites of less than one acre in net area and 30 feet on sites of one acre or larger in net area except as follows:

1. Accessory buildings and structures. A rear setback in a residential category may be used for an accessory building or structure no greater than 12 feet in height, provided the accessory building is not used for human habitation or the keeping of animals, and is located no closer than three feet to a rear property line or alley. See Subsection H. (Projections into Required Setbacks) and Section 22.30.410 (Residential - Accessory Structures) for additional applicable standards.

2. Commercial and industrial categories. No rear setback is required in Commercial or Industrial land use categories except:

a. Adjacent to alley. Where the rear property line abuts an alley the rear setback shall be a minimum of five feet; except where the alley provides vehicular access to the interior of the building, 10 feet.

b. Adjacent to residential use. Where the rear property line abuts a residential category or use, the rear setback shall be a minimum of 15 feet, except:

(1) Intervening alley. The rear setback shall be five feet where an alley lies between the commercial or industrial site and a residential use.

(2) **Increased building height.** The minimum setback shall be increased one foot for each three feet of commercial or industrial building height above 12 feet, with the height in this case measured along a line projected from the building face at the subject setback line.

3. **Office and Professional and Recreation categories.** The rear setback shall be a minimum of 10 feet, except:

a. **Central business district.** In a central business district, no rear setback is required except as provided in Subsection F.3.b.

b. **Adjacent to alley.** Where the rear property line abuts an alley, the rear setback shall be five feet.

c. **Adjacent to residential use.** When the rear property line of an Office and Professional or Recreation site abuts a Residential category, the rear setback shall be as specified in Subsection F.2.b.

G. **Interior setbacks and open areas.** Detached buildings located on the same site shall be separated as follows:

1. **Accessory buildings.** An accessory building shall be located no closer than six feet from any principal building.

2. **Residential buildings.** A principal residential building (including a multi-family dwelling) shall not be located closer to another principal building than 10 feet, or one-half the height of the taller of the two buildings, when one or both are more than two stories.

3. **Non-residential buildings.** Set by the Uniform Building Code.

H. **Projections into required setbacks.** The setback requirements of this Title are modified as follows:

1. **Decks.** When constructed higher than 30 inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than 30 inches high are exempt from these requirements - see Subsection A.):

a. **Front setback.** A deck shall not be located therein.

b. **Side setback.** As determined by Sections 1206 and 1710 of the Uniform Building Code.

c. **Rear setback.** A deck may occupy up to 30 percent of a required rear setback, but shall extend no closer than three feet to the rear property line.

2. **Fire escapes.** A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by Sections 1206, 1710 and 3305(n) of the Uniform Building Code.

3. Roof and wall features. Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutters, signs (where allowed), display windows, and solar collectors may project into a required setback up to one-third the width of the required setback, only as allowed by Sections 504, 1206 and 1710 of the Uniform Building Code, provided that the bottom edge of the projection shall be located either higher than eight feet or lower than four feet above finish grade.

4. Porches.

a. Porch defined. Porches are outdoor steps, stairs, and/or a raised platform with open sides, not exceeding 30 inches in height above grade at any point, or no higher than the ground floor of the building, located immediately adjacent to an entry of a building to provide pedestrian access from the outdoor ground elevation to a building interior and ***not*** to be used as habitable living space. If the porch is enclosed, it will be considered habitable living space and shall not project into a required setback. Open is defined as being at least 60 percent open to the elements on three sides (no screening or glass). If the platform portion of a porch (not including steps) is higher than 30 inches, it is considered a deck, and shall not project into a required setback.

b. Allowed projection. Porches may project into required setbacks as follows.

(1) Front porch. A front porch and/or stairs may project up to six feet into a required front setback.

(2) Side porch. A porch and/or outside stairway may be located in a required side setback provided the porch does not extend into the side setback more than allowed by Section 1206, 1710 and 3305(n) of the Uniform Building Code.

(3) Rear porch. A porch in the required rear setback is subject to the same limitations as a deck, in compliance with Subsection H.1.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648; 1994, Ord. 2696; 1999, Ord. 2880] *[22.04.100 to 116]*

22.10.150 - Solid Waste Collection and Disposal

This Section determines when new land uses must include provision of identified trash collection, pickup and recycling areas, and sets design standards for such areas.

A. Where required. The following uses (except individual single-family dwellings, temporary uses, agricultural uses, and other uses that do not create a need for solid waste pickup and disposal) shall provide an enclosed area for the temporary collection of solid waste and recyclable materials before disposal truck pickup:

1. **Within urban or village reserve lines:** All uses.

2. **In rural areas:** Any commercial, industrial and public facility uses listed as other than "Residential Uses" in Section 22.06.030 (Allowable Land Uses and Permit Requirements).

B. Application content. All land use permit applications shall include the location of solid waste collection areas, collection containers, recycling area and maneuvering areas for disposal and recycling trucks, including access driveways.

C. Collection area and recycling area standards.

1. **Location of collection facilities.** The solid waste collection area and recycling area shall be located within 100 feet of the dwellings or buildings serviced, but shall not be located in a front setback (Section 22.10.140.B - Front Setbacks), or within 10 feet of a front property line in a central business district.

2. **Enclosure required.** Solid waste collection areas and recycling areas that use dumpsters or other containers with a total capacity greater than two 33-gallon containers shall be screened from the view of public streets and adjoining properties on three sides by a solid fence or wall as high as the collection container, but not less than three feet nor more than six feet in height, and on the fourth side by a solid gate.

3. **Enclosure construction standards.** Enclosures shall meet the construction requirements as set forth in Chapter 8.12 of the County Code in addition to the following standards.

   a. The floor or bottom surface of a solid waste collection area shall be of concrete or other impervious material.

   b. The collection area shall have unobstructed vertical clearance for a minimum height of 25 feet.

c. A covered storage area at least three feet by 6-½ feet in size or as otherwise adequate to accommodate containers consistent with current methods of collection in the area where the project is located, accessible for truck loading, shall be incorporated into each solid waste collection area for the accumulation of recyclable materials. This storage area shall not be used for the collection of recyclable materials until such time as a recycling program exists for the area where the project is located.

d. The recycling area shall be large enough to accommodate an adequate number of bins to allow for the collection of recyclable materials generated by the development.

e. One or more signs clearly identifying the recycling areas, instructions, and a list of materials accepted shall be posted at all points of access to the recycling area.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1992, Ord. 2553; 1994, Ord. 2696] *[22.04.280]*

22.10.160 - Underground Utilities

Utilities serving new structures shall be installed underground rather than by the use of poles and overhead lines, and where applicable shall be installed in accordance with California Public Utilities Commission rules and regulations. This requirement applies to electrical service and telecommunications (including cable TV, telephone and data transmission) connections between utility company distribution lines and all proposed structures on a site, and all new installations that distribute utilities within a site. This requirement does ***not*** apply to the following:

A. New structures on parcels of five acres or larger, or requiring uninterrupted utility runs of five hundred feet or more;

B. Public utility distribution service to the edge of the lot, except in an underground utility district or where 75 percent of the lots on the street within 1,000 feet of the site are already developed, and have overhead service from the utility company distribution source to the residences.

C. Where underground installation may cause a substantial adverse environmental impact, as determined by the Director; or

D. Temporary overhead extensions for use during construction and/or for the purpose of testing the power supply.

This Section may require an applicant to underground utilities from the utility company distribution source to the site, as well as on the site itself. The utility service provider should be contacted for information on the Public Utility Commission's rules and regulations regarding the undergrounding of utilities. Poles and overhead lines other than those allowed by this Section are allowable subject to Minor Use Permit approval, provided that the Review Authority first finds that either topographical, soil or similar physical conditions, or the distance to the utility company distribution source make the use of underground utilities unreasonable or impractical.

[Amended 1992, Ord. 2553; 1999, Ord. 2880] *[22.05.120]*

22.10.170 - Vibration

A. Vibration standards. Any land use conducted in or within one-half mile of an urban or village reserve line shall be operated to not produce detrimental earth-borne vibrations perceptible at the points of determination identified in the following table.

Land Use Category in Which Vibration Source is Located	Point of Determination
Residential, Office & Professional, Recreation, Commercial	At or beyond any lot line of the lot containing the use.
Industrial	At or beyond the boundary of the Industrial category

B. Exceptions to standards. The vibration standards of this Section do not apply to:

1. Vibrations from construction, the demolition of structures, surface mining activities or geological exploration between 7.00 A.M. and 9.00 P.M.;

2. Vibrations from moving sources such as trucks and railroads.

[Amended 1981, Ord. 2063] *[22.06.060]*

22.10.180 - Water Quality

This Section establishes a procedure for the notification of the California Central Coast Regional Water Quality Control Board (RWQCB) when a new land use or modification to an existing use may affect groundwater quality because of proposed methods of disposal, or large volumes of wastewater, or because of the disturbance of natural soil contours.

A. Applications to be transmitted. Any application filed in compliance with Article 6 (Land Use and Development Permit Procedures), Chapter 22.52 (Grading), or Chapters 22.34 and 22.36 (Resource Extraction) except for business licenses, shall be transmitted by the Department to the RWQCB for review where:

1. Any proposed development of more than five dwelling units will not be connected to an existing public sewer system;

2. A discharge of wastewater to surface waters is proposed;

3. A proposed waste discharge will contain toxic or hazardous materials (e.g., agricultural chemicals or metal plating wastes);

4. On-site wastewater treatment and disposal systems other than conventional individual septic tank absorption fields are proposed;

5. Waste flows are expected to exceed 2,500 gallons per day;

6. A variance from state or local water quality or construction standards is requested;

7. A livestock specialty use as defined by Article 8 (Definitions/Glossary) is proposed;

8. A cemetery is proposed.

B. Review procedure. A copy of all applications as described above shall be forwarded to the Regional Water Quality Control Board for review upon receipt by the Department. This transmittal is intended to enable the RWQCB to:

1. Determine if the proposed use or activity is required to have discharge requirements, or is subject to other regulations of the RWQCB.

2. Contact and advise the applicant on applicable requirements, and to advise the Department of any RWQCB permit requirements.

    a. In the case of applications for Zoning Clearance or Site Plan Review approval, within 10 business days of application transmittal;

b. In the case of Minor Use Permit or Conditional Use Permit applications, notification of requirements, special comments, or recommendations to be forwarded to the Review Authority, shall be returned no later than 10 days before the hearing.

[Amended 1992, Ord. 2553] *[22.06.100, 102]*

CHAPTER 22.12 - AFFORDABLE HOUSING INCENTIVES

Sections:

22.12.010 - Purpose of Chapter
22.12.020 - Applicability
22.12.030 - Permit Requirement
22.12.040 - Density Bonus Determinations
22.12.050 - Location and Timing for Provision of Affordable Units
22.12.060 - Site Design Standards
22.12.070 - Housing Affordability Standards

22.12.010 - Purpose of Chapter

This Chapter provides standards and requirements for residential density bonuses in compliance with Government Code Section 65915. These provisions are intended to encourage developers to provide affordable housing while retaining good design and neighborhood character. *[22.04.090]*

[Amended 2003, Ord. 2994]

22.12.020 - Applicability

Within the RSF and RMF land use categories, an applicant may request a density bonus and other incentives in return for constructing, and selling or renting affordable housing in compliance with this Section. Eligible housing developments may include: vacant subdivided lots for sale; lots developed with single-family dwellings; or, where allowed, lots developed with multi-family units. However, the affordable housing units used to qualify the project for a density bonus and other incentives shall consist of completed single-family or multi-family dwellings, with maximum rents, sales prices and long-term affordability in compliance with Section 22.12.070. *[22.04.090]*

22.12.030 - Permit Requirement

Conditional Use Permit approval shall be required to authorize a project proposing an affordable housing density bonus, except that:

A. The purpose of the Conditional Use Permit review shall be to evaluate the entire project with respect to its compliance with the provisions of this Section and Section 22.12.070 and the findings specified by Section 22.62.060C.4.

B. The Conditional Use Permit approval process in this case does not include the discretion to limit or disallow the development bonus provided by this Section, but does include the authority to approve or disapprove the overall project, or to approve the project subject to conditions that do not affect the development bonus.

[Amended 2003, Ord. 2994]

22.12.040 - Density Bonus Determinations

A. Determining base density. Base density is the maximum number of dwellings, or in the case of a residential land division, the maximum number of residential parcels that may be allowable on a given site under this Code, not including any density bonuses as provided under this Title or state statute. Establishing the base density is necessary for purposes of determining whether a housing development is eligible for the density bonus, how many affordable dwellings must be provided in exchange for the density bonus, and the total number of dwellings that may be allowable including the density bonus. However, base density as determined under this Section does not affect the provisions of this Code for review of proposed developments or land divisions which are not proposed to include the density bonus provided under this Section, and such developments or land divisions may not necessarily be approved by the County at a density equal to this base density. Base density is determined as follows:

1. **Residential Multi-Family category.** The base density for a site in the Residential Multi-Family land use category is the number of multi-family dwellings that are allowable on the site in compliance with Section 22.10.130.B (Residential - Multi-Family Dwellings).

2. **Residential Single-Family category.** The base density for a site in the Residential Single-Family land use category is equal to the total usable site area divided by the applicable minimum parcel size in compliance with Subsections 22.22.080.A, B. and C., except that average slope for the entire site may be used for the slope test under Subsection 22.22.080.B instead of the average slope for each proposed parcel.

B. Eligibility for bonus and allowable density including bonus. A proposed residential project must satisfy the following standards in order to qualify for a density bonus in compliance with this Section:

1. **Project size.** Housing developments eligible for density bonus under this Section must include five or more dwelling units, not including the bonus units. Whether a housing development includes five or more dwelling units shall be determined in compliance with Subsection A.

2. **Type of eligible projects.** Housing units developed for sale or rental; but not including transient housing, such as time-share and hotel/motel projects.

3. **Eligible buyers and renters.** The project shall be administered so that affordable units may be purchased or rented only by families of very low-income as defined in Section 50105 of the California Health and Safety Code; lower-income as defined in Section 50079.5 of the California Health and Safety Code; or senior citizens as defined in Section 51.3 of the California Civil Code, if they also qualify as low or moderate income as defined in Section 50093 of the California Health and Safety Code.

4. **Project location.** The site must be within an urban or village area and in either the Residential Single-Family or Residential Multi-Family land use categories.

5. **Amount of affordable housing.** In order to be eligible for a density bonus under this Section, the project must satisfy the provisions of Government Code Section 65915 by providing affordable housing in compliance with Section 22.12.070 in an amount equal to or exceeding those listed below. The density bonus units are not included when computing the 10, 20, or 50 percent of the base density.

   a. 10 percent of the base density determined in compliance with Subsection A. for families of very low-income; or

   b. 20 percent of the base density determined in compliance with Subsection A. for families of lower-income; or

   c. 50 percent of the base density determined in compliance with Subsection A. for senior citizens of low or moderate-income.

6. **Continued availability of affordable housing.** Affordable housing units provided in compliance with this Section shall be subject to the long-term housing affordability provisions described in Section 22.12.070.

   a. The additional increase in allowable density (above 25 percent) as described in Subsection D.

   b. A reduction in the open area required for cluster divisions by Section 22.22.140.D pursuant to Section 22.12.060.H of this section;

   c. Any financial assistance that the County provides directly or administers on behalf of state or federal funding programs;

   d. A concession or incentive described in Government Code Section 65915(h) that is suitable to the project site and the project.

7. **Site and neighborhood characteristics.** The project site and vicinity shall be determined by the Review Authority to be capable of accommodating the allowable density bonus without significant adverse effects on the environmental characteristics of the site or the character and public service facilities of the neighborhood and community.

C. Density bonus and other incentives. The developer of a project eligible under this Section shall be granted a density bonus as calculated in Subsection D. or other incentives of equivalent financial value based on land cost per dwelling unit as determined by the Review Authority.

D. Determining allowable density with bonus.

1. **Maximum allowable density.** If the affordable housing units are to be provided on the site proposed to receive a density bonus, the maximum allowable density is determined by multiplying the base density determined under Subsection A. by a factor of 1.35. A factor of 1.30 shall be used if the affordable housing units are to be provided on a site separate from that proposed to receive a density bonus.

2. **Minimum parcel size.** The minimum parcel size required in the Residential Single-Family land use category by Section 22.22.080, or the maximum floor area permitted in the Residential Multi-Family land use category by Section 22.10.130.B, may be decreased by the same percentage density may be increased under this Section; except that where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions have been granted, the minimum parcel size may be decreased or maximum floor area may be increased by only 25 percent.

3. **Density bonus.** Where a proposed project may otherwise qualify for other density bonuses in addition those provided by this Section (e.g. through the cluster division provisions of Section 22.22.140), only one such bonus may be used.

[Amended 2003, Ord. 2994; 2006, Ord. 3108; 2007, Ord. 3122] *[22.04.090]*

22.12.050 - Location and Timing for Provision of Affordable Units

Affordable housing units provided to qualify a project to receive a density bonus under this Section need not be located within the same site as the bonus units, but they must be located within the same urban or village area. Also, the affordable housing units must be completed, and their final building inspection granted by the Building Official verifying completion of the structures and related improvements, before the Building Official shall grant final building inspection for the market rate units, except where the developer has posted a performance bond or entered into an alternative agreement ensuring provision of the affordable housing units, subject to approval by the County Counsel and the Director. *[22.04.090.f]*

22.12.060 - Site Design Standards

The following minimum site design standards apply to projects consisting of single-family dwellings on individual lots, receiving a density bonus under this Section and located in the Residential Single-Family or Residential Multi-Family land use categories.

A. Lot width. The minimum lot width for each parcel shall be 35 feet measured at the front setback.

B. Front setback. The minimum front setback shall be 18 feet, except for cluster divisions authorized under section 22.22.140.

C. Side setbacks. The minimum combined side setbacks shall be 10 feet, and structures shall be separated by at least 10 feet except for structures sharing common walls.

D. Rear setback. The minimum rear setback shall be 10 feet.

E. Off-street parking. The minimum average number of off-street parking spaces per dwelling shall be two spaces. At least one of the two spaces shall be within a garage, unless at least 50 square feet of enclosed utility storage space is provided.

F. Site coverage. The coverage of each residential parcel by structures shall not exceed 40 percent of the total area of the parcel, except for cluster divisions authorized under Section 22.22.140, in which case the structural coverage shall not exceed 70 percent of the total area of each parcel.

G. Private open area. Each residential parcel shall include within its own boundaries a minimum of 10 percent, but no less than 400 square feet, of the total area of the parcel as usable private open area. Usable private open area is defined as an area within a residential parcel enclosed by walls or fences, not encumbered by structures, driveways, parking spaces or slopes greater than 15 percent, not less than 10 feet in width, and visible and accessible from the kitchen, dining room or living room of the dwelling.

H. Common open area. Common open area is not required for projects receiving a density bonus under this Section, except for cluster divisions. Open area requirements of this Title for cluster divisions may be reduced by up to 50 percent where feasible given the physical characteristics of the site.

[Section Added 1984, Ord. 2158; amended 1989, Ord. 2428; 2992, Ord. 2578; 2003, Ord. 2994] *[22.04.090.g]*

22.12.070 - Housing Affordability Standards

A. Applicability. Affordable housing units provided as a result of one or more of the following County actions shall be subject to the standards of this Section:

1. Approval of a density bonus under Section 22.12.040 of the Land Use Ordinance, Title 22 of the County Code, or

2. Approval of an exemption from growth management provisions under Subsection 26.01.034b of the Growth Management Ordinance, Title 26 of the County Code, or

3. Deferment of the public facilities fees as described in subsection 18.04.010a(1) of the Public Facilities Fees Ordinance, Title 18 of the County Code, or

4. Provision of direct financial assistance in the form of a grant (not a loan) to the development of affordable housing.

B. Eligible Household Definitions. Households eligible to become renters or owner-occupants of affordable housing under provisions of the County Code must have incomes not exceeding one of the following income ceilings and they must agree to occupy said affordable housing as their principal residence. The County will consider actual income and imputed income from assets when determining eligibility.

1. Extremely low-income: no more than 30 percent of median income.

2. Very low-income: no more than 50 percent of median income.

3. Lower-income: no more than 80 percent of median income.

4. Moderate-income: no more than of 120 percent of median income.

5. Workforce: no more than 160 percent of median income.

C. Determination of initial affordable housing sales prices. The following procedure is designed to determine sales prices that will enable purchase of the affordable housing units by the eligible households without their monthly housing costs exceeding 30 or 35 percent of their gross incomes. The Planning and Building Department shall use this procedure to determine maximum sales prices for each proposed land use permit or land division using estimates of actual costs of financing, property taxes, homeowner association fees, and insurance and shall publish typical examples quarterly.

1. **Determine median income.** First, find the applicable median income based on the household size. This information is published in Section 6932 of Title 25 of the California Code of Regulations. Both the household size and the size of the housing unit shall be used to determine the affordable housing sales price, as follows:

   a. Studio: use the median income for a one-person household.

   b. One-bedroom unit: use the median income for a two-person household.

   c. Two-bedroom unit: use the median income for a three-person household.

   d. Three-bedroom unit: use the median income for a four-person household.

   e. Four bedroom unit: use the median income for a five-person household.

2. **Determine maximum housing costs.** Maximum housing costs by size of housing unit and eligible household group shall be calculated as the following percentages of the median income amounts determined in Subsection C.1., as follows:

   a. Extremely low-income: 30 percent of 30 percent of median income as determined under Subsection C.1.

   b. Very low-income: 30 percent of 50 percent of median income as determined under Subsection C.1.

   c. Lower-income: 30 percent of 70 percent of median income as determined under Subsection C.1.

   d. Moderate-income: 35 percent of 110 percent of median income as determined under Subsection C.1.

   e. Workforce: 35 percent of 150 percent of median income as determined under Subsection C.1.

3. **Estimate housing costs other than payments on mortgage loan principal and interest.** The actual costs of property taxes, insurance and homeowner association dues shall be estimated by the Planning and Building Department for affordable housing units in each proposed land use or land division.

4. **Determine amount of income available for payments of mortgage loan principal and interest.** The amount of income available for payments of mortgage principal and interest shall be determined by deducting the amounts for property taxes, insurance and homeowners associations dues estimated by Subsection C.3. from the maximum housing costs determined by Subsection C.2..

5. **Determine mortgage interest rate.** The Planning and Building Department shall determine the annual percentage rate of conventional mortgage financing, amortized over 30 years, currently available in California at the time of building permit issuance.

6. **Determine the maximum affordable sales price.** The Planning and Building Department shall determine the maximum affordable sales price using the income available for payment of mortgage loan principal and interest determined by Subsection C.4., the mortgage interest rate determined by Subsection C.5, and assuming the buyer can pay a down payment of 5 percent of the sales price.

D. Non-Sales. In cases where no sale will occur, such as when an owner-builder is involved (a landowner who wishes to construct his primary residence on his own property), the sales price that would apply pursuant to Subsection C shall be used in meeting the long-term housing affordability provisions of Subsection F.

E. Rental units. Rent levels of the affordable units, including allowances for the costs of utilities as determined by the Housing Authority of the City of San Luis Obispo, shall not exceed the following:

1. **Extremely low-income units:** 30 percent of 30 percent of the median household income as determined under Subsection C.1.

2. **Very low-income units:** 30 percent of 50 percent of the median household income as determined under Subsection C.1.

3. **Lower-income units:** 30 percent of 60 percent of the median household income as determined under Subsection C.1.

4. **Moderate-income units:** 30 percent of 110 percent of the median household income as determined under Subsection C.1.

5. **Workforce housing units:** 30 percent of 150 percent of the median household income as determined under Subsection C.1.

F. Continued availability of affordable housing. Affordable housing units which are subject to the standards of this section shall continue to be reserved as affordable housing as follows:

1. **For sale units.** Prior to the issuance of any project construction permits the property owner and the County shall enter into and record a Master Affordable Housing Agreement, prepared by County Counsel, assuring that the project will provide designated affordable housing unit(s). When a designated affordable housing unit is first sold to an eligible buyer, or when the owner-builder of a designated affordable housing unit requests

final permit approval for occupancy of his residence, the buyer and County or the owner-builder and County shall enter into an Option to Purchase at Restricted Price Agreement which shall be recorded as an encumbrance on the property, and secured by a recorded deed of trust. The said Option to Purchase at Restricted Price Agreement shall supercede the Master Affordable Housing Agreement. Under the terms of the Option to Purchase at Restricted Price Agreement, the maximum resale price of the housing unit shall be limited for a period of 45 years to the same formula used to determine the initial sales price, except that current information regarding median income, mortgage financing interest rate, taxes, insurance and homeowners association dues shall be applied. Adjustments to the maximum resale price as determined by the Planning and Building Department shall be made to ensure that the resale price is not lower than the original sales price, to increase the maximum resale price by the value of structural improvements made by the owner, and to comply with requirements of State or Federal mortgage lenders as necessary. Ownership of the property may only be transferred to a party that agrees to execute a new Option to Purchase at Restricted Price Agreement with a term of 45 years.

The provisions of this Section shall not impair the rights of a first mortgage lender secured by a recorded deed of trust. The purchase money lender(s) shall have a higher priority than the County's loan. The county's security shall be prioritized as a second mortgage. This first priority applies to the purchase money lender's assignee or successor in interest, to:

a. Foreclose on the subject property in compliance with the remedies permitted by law and written in a recorded contract or deed of trust; or

b. Accept a deed of trust or assignment to the extent of the value of the unpaid first mortgage to the current market value in lieu of foreclosure in the event of default by a trustor; or

c. Sell the property to any person at a price consistent with the provisions of this Section subsequent to exercising its rights under the deed of trust.

In addition, the following types of transfers shall remain subject to the requirements of the County's loan and right of first refusal: transfer by gift, devise, or inheritance to the owner's spouse; transfer to a surviving joint tenant; transfer to a spouse as part of divorce or dissolution proceedings; or acquisition in conjunction with a marriage; or transfer as a result of foreclosure.

2. Rental units. Prior to the issuance of any project construction permits the property owner and the County shall enter into and record a Rent Limitation Agreement, prepared by County Counsel, assuring that the project will provide designated affordable housing unit(s). Rent levels shall be based on the same criteria as those used to compute the original rent ceiling in Subsection E for a period of at least 55 years. The rent levels will be enforced through the Review Authority imposing applicable conditions at the time of land use permit or subdivision approval for the project. If ownership of the property is transferred during the initial 55 years period, then a new Rent Limitation Agreement shall be executed with a term of 55 years.

G. Exceptions to initial sales price limitations and resale restrictions. The Director of the Planning and Building Department may grant an exemption to the initial sales price limitation and resale restrictions for housing units that meet all of the following criteria:

1. The housing units are provided in a development consisting exclusively of housing for very low income, lower income or moderate income households; and

2. The housing units are constructed with at least 50 percent of the work performed by volunteers and/or households purchasing the housing; and

3. The Director of the Planning and Building Department has determined that the home purchase financing provided will be affordable to the purchasing households for at least 30 years.

[Amended 1992, Ord. 2578; 2003, Ord. 2994; 2006, Ord. 3108; 2007, Ord. 3124] *[22.04.094]*

CHAPTER 22.14 - COMBINING DESIGNATION STANDARDS

Sections:

22.14.010 - Purpose of Chapter
22.14.020 - Applicability of Standards
22.14.030 - Airport Review Area (AR)
22.14.040 - Energy and Extractive Resource Area (EX)
22.14.050 - Extractive Resource Area (EX1)
22.14.060 - Flood Hazard Area (FH)
22.14.070 - Geologic Study Area (GSA)
22.14.080 - Historic Site (H)
22.14.090 - Local Coastal Plan Area (LCP)
22.14.100 - Sensitive Resource Area (SRA)
22.14.110 - Transfer of Development Credit Sending Site (TDCS)
22.14.120 - Transfer of Development Credit Receiving Site (TDCR)

22.14.010 - Purpose of Chapter

Combining designations are used to identify and highlight areas of the county having natural or built features which are sensitive, hazardous, fragile, of cultural or educational value, or of economic value as extractable natural resources. The purpose of combining designation standards is to require project design that will give careful consideration to the land features, structures and activities identified by the combining designations. These standards provide for more detailed project review where necessary to support public safety or proper use of public resources. *[22.07.010]*

22.14.020 - Applicability of Standards

The standards of this Chapter apply to all projects for which a land use permit is required, when a project is within a combining designation shown on the official maps (Part III of the Land Use Element). When applicable, these standards apply to a project in addition to any requirements of planning area standards (Article 9 - Community Planning Standards), and the other requirements of this ordinance. When the standards of this Chapter conflict with other chapters of this Title, these standards shall control for the purposes of this Title. If the standards of this Chapter conflict with planning area standards, the planning area standards control. Any determination that the provisions of this Chapter do not apply to a specific land use shall not be construed as exempting the land use from other applicable requirements of this Title. *[22.07.012]*

22.14.030 - Airport Review Area (AR)

A. Applicability. The Airport Review (AR) combining designation is used to recognize areas around airports where certain land uses and site development characteristics may conflict with aircraft maneuvers or with the safe and functional use of the airport. The standards of this Section regulate objects affecting navigable airspace, consistent with federal regulations. The Airport Review combining designation is applied to:

1. Areas below the several imaginary surfaces around each airport established by the U.S. Federal Aviation Administration in its Federal Aviation Regulations, Volume XI, Part 77.

2. Those areas surrounding each airport as identified in plans adopted by the San Luis Obispo County Airport Land Use Commission.

The two areas described above are identified in Article 9 (Community Planning Standards), which also contains specific requirements for each specific Airport Review combining designation area.

B. Limitation on use. Developments within areas covered by land use plans adopted by the San Luis Obispo County Airport Land Use Commission are limited to those identified in the plans as "compatible" and "conditionally approvable." Projects that are conditionally approvable may be granted a permit only when in compliance with all conditions of the applicable airport land use plan or its implementing rules.

C. Application content. In addition to the requirements of Article 6, all applications shall include descriptive and plan information as necessary to determine compliance with these airport review sections.

D. Additional height standards. The following standards apply to projects in the AR combining designation in addition to the provisions of Section 22.10.090 (Heights):

1. Except as otherwise provided in this Section, no structure shall be erected, altered, replaced, repaired or rebuilt, or tree be allowed to grow higher or be replanted, in any airport approach area, airport turning area, or airport transition area to a height that would project above the approach surface, the horizontal surface, the conical surface, or the transitional surfaces as defined in Article 8.

2. The maximum height of Subsection D.1 may be increased by the San Luis Obispo County Airport manager, where existing terrain features near a proposed project are higher than proposed structures, and no additional hazard to air traffic will result. In such cases, the height of proposed structures may be increased to a maximum height equivalent to the terrain feature. Any allowed increase in height may be conditioned to require the owner of the proposed structure to install, operate, and maintain on the structure markers and lights that may be necessary to indicate to flyers the presence of an aviation hazard.

E. Additional operational standard. The following standard shall apply in addition to the provisions of Article 3. Except as provided in Section 22.14.030, no use may be made of land within any airport approach area, airport turning area, or airport transition area, in a manner to create electrical interference with radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

F. Avigation easement required. To ensure the continued viability of avigable airspace within AR areas, approval of a land use permit is subject to the property owner providing the county an avigation easement for all projects in areas identified in the applicable airport land use plan as needing an avigation easement.

G. Appeal procedure. Any appeal or variance to this Section requested in compliance with Section 22.70.050 or 22.70.030 shall first be transmitted to the San Luis Obispo County Airport Land Use Commission for its consideration in accordance with Section 21676 of the California Public Utilities Code. No subsequent approval of the appeal or variance to a degree greater than that set by the Airport Land Use Commission shall be of any effect unless and until the Board of Supervisors so determines by a vote of not less than four-fifths.

[Amended 1986, Ord. 2250] *[22.07.020 through 22.07.032]*

22.14.040 - Energy and Extractive Resource Area (EX)

A. Purpose and applicability. The Energy and Extractive Resource Area (EX) combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;

2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);

3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

B. Processing requirements. When located in an EX area, all proposed land uses required to have land use permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 4 (Standards for Specific Land Uses), or by planning area standards in Article 9, are subject to the requirements of this Section.

1. Permit required.

a. Resource extraction. The land use permit requirements for oil wells or mining operations shall be as determined by Chapters 22.34 and 22.36.

b. Electric generating facilities. The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 22.32.

c. All other land uses. Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would otherwise be required by this Title to have Conditional Use Permit approval.

2. Application content.

a. Resource extraction: As required by Chapters 22.34 and 22.36.

b. Electric generating facilities: As required by Chapter 22.32..

c. **All other land uses.** Where a land use other than resource extraction or power generation is proposed in an EX area, the permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:

(1) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;

(2) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;

(3) The feasibility of conducting resource extraction operations at the same time as the proposed use.

3. **Required findings.** Approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.

D. **Development standards.** Resource extraction operations shall be established and operated in compliance with the standards of Chapters 22.36 and 22.36. Electric generating facilities shall comply with Chapter 22.32. Development standards for other land uses shall be established through the land use permit review and approval process.

[Amended 1986, Ord. 2250; 1989, Ord. 2409; 1992, Ord. 2553; 1994, Ord. 2696] *[22.07.040 to 044]*

22.14.050 - Extractive Resource Area (EX1)

A. **Purpose and applicability.** The Extractive Resource Area (EX1) combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.

B. **Processing requirements.** The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.

2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

[Amended 1991, Ord. 2499] *[22.07.050, 052]*

22.14.060 - Flood Hazard Area (FH)

A. Purpose and applicability. The Flood Hazard (FH) combining designation is applied to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas. These standards are also intended to minimize the effects of development on drainage ways and watercourses. The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for San Luis Obispo County," dated July 18, 1985, with an accompanying flood insurance rate maps, and any subsequent revisions to the flood insurance rate maps or flood area boundary maps, are hereby adopted and incorporated into this Title by reference as though they were fully set forth here. The flood insurance study is on file in the County Public Works office.

B. Applicability of flood hazard standards. All uses proposed within a FH combining designation are subject to the standards of this Section, except:

1. **Temporary uses.** With the approval of the County Engineer, the Director may authorize construction or placement of a temporary structure or use within a Flood Hazard area pursuant to the required land use permit without meeting these standards, provided that the structure or use will not be in place from October 15, to April 15.

2. **Emergency work.** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer shall be notified and an application filed with the Department in compliance with the provisions of Subsection C.

3. **Existing uses.** The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Title is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Title.

C. Flood Hazard Area permit and processing requirements. Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this Title, state and Federal law. In addition to the information called for in Section 22.52.080 (Drainage Plan Required) the drainage plan shall include:

1. Federal Insurance Administration flood data, including base flood elevations, flood hazard areas and floodway locations.

2. In areas where water surface elevation data has not been provided by the Federal Insurance Administration, a normal depth analysis or other equivalent engineering analysis that identifies the location of the floodway and demonstrates to the satisfaction of the Director of Public Works that the structure will not be located within the floodway or be subject to inundation by the 100-year storm. The following information is required to determine the flood elevation and the location of the floodway, except where waived or modified by the Director of Public Works:

   a. Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway.

   b. Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile level.

   c. A profile showing the slope of the bottom of the channel or flow line of the stream.

   d. Any previously determined flood data available from any state, federal or other source.

D. Construction standards. New structures or any improvement / repair to an existing structure (including manufactured homes) where the value proposed is more than 50 percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

1. Construction, general.

   a. No construction or grading shall limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the Director of Public Works. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.

   b. Structures shall be anchored to prevent collapse, lateral movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.

   c. Service facilities such as electrical and heating equipment shall be floodproofed or constructed at minimum of one-foot above the 100-year storm flood profile level for the site.

d. Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems into flood waters.

e. On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.

f. All buildings or structures shall be located landward of mean high tide.

g. Whenever a watercourse is to be altered or relocated, the Department shall notify adjacent communities and the Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.

h. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

i. On the basis of structural plans and the depth analysis, the lowest floor of all structures shall be constructed at a minimum of one-foot above the 100-year storm flood profile level. Within any AO zone on the Flood Insurance Rate maps, this elevation shall be determined by adding one foot to the depth number specified. If no depth is specified, structures shall be elevated a minimum of two feet above adjacent natural grade.

j. Non-residential construction shall either be elevated in conformance with Subsection D.1.i, or together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be floodproofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of floodproofing include, but are not limited to:

(1) Installation of watertight doors, bulkheads, and shutters.

(2) Reinforcement of walls to resist water pressure.

(3) Use of paints, membranes, or mortars to reduce seepage through walls.

(4) Addition of mass or weight to structure to resist flotation.

(5) Armor protection of all fill materials from scour and/or erosion.

k. All structures subject to inundation shall use flood resistant materials up to one foot above base flood elevation.

2. Storage and processing. The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect floodway capacity or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

3. Coastal High Hazard areas.: The following requirements shall apply to new structures or any improvement / repair to an existing structure as specified in Subsection D., in areas identified as having special flood hazards extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters including coastal and tidal inundation or tsunamis as established on the maps identified in subsection A.:

a. All buildings or structures shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

b. All new construction and other development shall be located on the landward side of the reach of mean high tide.

c. All buildings or structures shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

d. Fill shall not be used for structural support of buildings.

e. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.

f. The Director and/or the Public Works Director shall obtain and maintain the following records.

(1) Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a

(2) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all buildings and structures, and whether such structures contain a basement.

4. Certification of compliance. The following certifications shall be filed with the Building Official prior to final building inspection:

a. Upon completion of any structure within a FH combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or a licensed land surveyor. Such certification shall include as a minimum the elevation of the lowest floor. If the structure has been floodproofed in conformance with Subsection D.1.j, the certification shall include the elevation to which the structure has been floodproofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.

b. Where floodproofing is used, a registered civil engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.

c. Compliance with the structural design requirements within Coastal High Hazard Areas stated in Subsection D.3. shall be certified by a registered civil engineer, or architect.

5. Exceptions to construction standards. The standards of this Section may be waived or modified by the Board of Supervisors through the variance procedure set forth in Code of Federal Regulations, Title 44, Chapter 1, Section 60.6, instead of through the adjustment process in Section 22.70.030. Requests for such waivers or modifications shall be filed with County Public Works for processing. Procedures for the granting of variances under Title 44 are available from County Public Works.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1995, Ord. 2741; 2004 Ord. 3024]
[22.07.060 to 066]

22.14.070 - Geologic Study Area (GSA)

A Purpose. The Geologic Study Area (GSA) combining designation is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:

1. **Seismic hazard.** Areas of seismic (earthquake) hazard are identified through application of an Earthquake Fault Zone. Earthquake Fault Zones are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo Earthquake Fault Zones Act), and are identified in the Land Use Element (Part II);

2. **Landslide hazard.** Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderately high to high landslide risk, and rural areas subject to high landslide risk;

3. **Liquefaction hazard.** Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderate to high soil liquefaction.

B. Applicability of GSA standards. The standards of this Section apply to all land uses for which a permit is required, <u>except</u>:

1. One single-family residence, not exceeding two stories, when not constructed in conjunction with two or more residences by a single contractor or owner on a single parcel or abutting parcels, unless the site is located in an area subject to liquefaction or landslide.

2. Any agricultural use not involving a building, and any agricultural accessory structure.

3. Alterations or additions to any structure, the value of which does not exceed 50 percent of the assessed value of the structure in any 12-month period.

C. Application content - Geology and Soils Report required. All land use permit applications for projects located within a GSA (except those exempted by Subsection B.) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. The report shall identify, describe and illustrate, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this Section. Provided, however, that no report is required for an application located in an area for which the County Engineer determines that sufficient information exists because of previous geology or soils reports. Where required, a geology report shall include:

1. A review of the local and regional seismic and other geological conditions that may significantly affect the proposed use.

2. An assessment of conditions on or near the site that would contribute to the potential for the damage of a proposed use from a seismic or other geological event, or the potential for a new use to create adverse effects upon existing uses because of identified geologic hazards. The conditions assessed shall include, where applicable, rainfall, soils, slopes, water table, bedrock geology, and any other substrate conditions that may affect seismic response, landslide risk or liquefaction potential.

3. Conclusions and recommendations regarding the potential for, where applicable:

   a. Surface rupture or other secondary ground effects of seismic activity at the site;

   b. Active landsliding or slope failure;

   c. Adverse groundwater conditions;

   d. Liquefaction hazards.

4. Recommended building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic damage, landslide, groundwater and liquefaction to insignificant levels.

D. Review of geology report. As required by California Code of Regulations, Title 14, Section 3603, the geology and soils report required by Subsection C. shall be evaluated by a geologist retained by the county who is registered in the State of California. Within 30 days of the acceptance of such report, the Director shall file one copy with the State Geologist. [Added 1992, Ord. 2553]

E. Geologic Study Area special standards. All uses within a GSA shall be established and maintained in accordance with the following, as applicable:

1. Grading. Any grading not otherwise exempted from the permit requirements of Chapter 22.52 (Grading) shall be performed as engineered grading under the provisions of those sections.

2. Seismic hazard areas. As required by California Public Resources Code Section 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an Earthquake Fault Zone.

[Amended 1986, Ord. 2250; 1992, Ord. 2553; 1995, Ord. 2741] *[22.07.080 to 086]*

22.14.080 - Historic Site (H)

A. Purpose. The Historic Site (H) combining designation is applied to recognize the importance of archeological sites and historic sites, structures and areas important to local, state, or national history. These standards are intended to protect archeological resources, historic structures and sites by requiring new uses and alterations to existing uses to be designed with consideration for preserving and protecting these resources.

B. Minimum parcel size. The minimum size for a new parcel with an established structure and Historic Site combining designation shall be determined by Conditional Use Permit. Any parcel where the historic structure is located that is less than the minimum or what would otherwise be required for the applicable land use category can only be transferred to a valid tax-exempt charity under Internal Revenue code section 501(c)(3) or a public agency.

1. **Application content.** The Conditional Use Permit application shall be accompanied by a statement from the applicant explaining why it is necessary to separate the existing historic structure from the surrounding ownership, and how such separation will support the restoration or continuation of the historic structure.

2. **Residential use prohibited.** No residential use shall be established on the parcel where the historic structure is located if that parcel is smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category.

3. **Non-profit organization**. If the parcel where the historic structure is located is smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category, that parcel shall only be transferred to a valid tax-exempt charity under Internal Revenue code section 501(c)(3) or a public agency. Evidence shall be submitted in the form of a letter from the Internal Revenue Service verifying the organization is a valid non-profit organization prior to recordation of a final or parcel map. In addition, a letter of intent to accept title from the valid non-profit organization or public agency shall be submitted prior to recordation.

4. **Declaration of restrictions required.** Prior to, or concurrent with, recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein the applicant agrees on their own behalf and all successors in interest to the parcel that, they will not request approval of or establish any residential use on the parcel. In addition, the declaration of restrictions shall specify that any parcel smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 shall not be sold except to a valid non-profit organization or public agency. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.

5. **Required findings.** No parcel smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category shall be approved pursuant to this section unless the Review Authority first finds that the parcel meets the minimum site area provisions in Chapter 22.22 that the proposed parcel being smaller than the surrounding holdings will have no adverse effect on the continuing use of parcels adjacent to and in the vicinity of the site, and that the applicant has demonstrated the division will support the restoration or continuation of the historic structure. [Added 1999, Ord. 2880]

C. **Permit and processing requirements.** The following standards apply to all development proposals within an H combining designation.

1. **Minor Use Permit required.** Minor Use Permit approval is required for all new structures and uses within an H combining designation, and also for any modifications to existing historic structures within an H combining designation, including restoration or alteration that changes the historic or architectural character of the structure, demolition or relocation, except for minor exterior or interior alterations that do not materially change the historic character of the structure.

2. **Application content.** Applications for projects within an H combining designation shall include a description of measures proposed to protect the historic resource identified by the Land Use Element (Part II).

3. **Environmental determination.** The initial study shall evaluate the potential effect of the proposed project upon the visual character of the historic site or district, and evaluate the other direct and indirect effects of the new construction upon the actual archeological resources or historic structures.

4. **Required findings for approval.** A land use permit application within an H combining designation shall be approved only where the Review Authority first makes all the following findings, where applicable:

a. **Archeological resources.** Where an H combining designation is applied to identify areas of archeological resources (historic and prehistoric), project approval shall require the following findings:

(1) The site design and development as finally proposed incorporates adequate measures to ensure the archeological resources will be acceptably and adequately protected; or

(2) Where site design and development proposals cannot feasibly be changed, and intrusion into or disturbance of historic or prehistoric archeological resources will result, that construction will use appropriate methods to protect the integrity of the site, including possible relocation of graves and artifacts.

b. **Historic structures, landmarks and districts.** Where an H combining designation is applied to identify historic structures, landmarks, or districts, project approval shall require the following findings:

(1) The height, bulk, location, structural materials, landscaping and other aspects of the proposed use will not obstruct public views of the historic structure or of its immediate setting;

(2) Any proposed alteration or removal of structural elements, or clearing of landscaping or natural vegetation features will not damage or destroy the character of significant historical features and settings;

(3) Any proposed remodeling or demolition is unavoidable because it is not structurally or economically feasible to restore or retain existing structures or features.

[Amended 1986, Ord. 2250; 1994, Ord. 2696; 1999, Ord. 2880] *[22.07.100 to 102]*

22.14.090 - Local Coastal Plan Area (LCP)

The Local Coastal Plan (LCP) combining designation identifies the Coastal Zone of San Luis Obispo County, the area subject to the provisions of the California Coastal Act of 1976. The provisions of this Title do not apply to land use and development activities within the Coastal Zone, which are instead subject to the requirements of Title 23 of this Code, the Coastal Zone Land Use Ordinance. [Amended 1988, Ord. 2344] *[22.07.120]*

22.14.100 - Sensitive Resource Area (SRA)

A. Purpose. The Sensitive Resource Area (SRA) combining designation is applied to areas of the county with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection.

B. Applicability of standards. The standards of this Section apply to all uses requiring a land use permit that are located within a SRA combining designation, except agricultural uses not involving buildings, agricultural accessory buildings exempted from permit requirements by Section 22.06.040.E, and one single-family dwelling on a single lot of record.

C. SRA permit and processing requirements. The land use permit requirements established by Section 22.06.030 (Allowable Land Uses and Permit Requirements), and Article 4 (Standards for Specific Land Uses), are modified for the SRA combining designation as follows:

1. **Initial submittal.** The type of land use permit application to be submitted shall be as required by Section 22.06.030, Article 4, or by planning area standards (Article 9). The application will be used as the basis for an environmental determination in compliance with Subsection C.3, and depending on the result of the environmental determination, the applicant may be required to amend the application to a Conditional Use Permit application as a condition of further processing of the request (see Subsection C.4).

2. **Application content.** Land use permit applications for projects within a SRA shall include a description of measures proposed to protect the resource identified by the Land Use Element (Part II) area plan.

3. **Environmental determination.** When a land use permit application has been accepted for processing as set forth in Section 22.60.050.A (Determination of Completeness), it shall be subject to an environmental determination in compliance with the California Environmental Quality Act (CEQA).

4. **Final permit requirement and processing.**

   a. If an environmental determination results in the issuance of a proposed negative declaration, the land use permit requirement shall remain as established for the initial submittal.

   b. If an environmental impact report is required, the project shall be processed and authorized only through Conditional Use Permit approval (Section 22.62.060).

5. **Required findings.** A Minor Use Permit or Conditional Use Permit application within a SRA shall be approved only where the Review Authority can make the following required findings:

   a. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the SRA designation, and will preserve and protect such features through the site design.

   b. Natural features and topography have been considered in the design and siting of all proposed physical improvements.

   c. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

   d. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff.

D. Minimum site design and development standards. All uses within a SRA shall conform to the following standards:

1. Surface mining is not permitted except in areas also included in an Energy and Extractive Resource Area combining designation by the Land Use Element. Where the dual designation exists, surface mining is allowed only after approval of surface mining permit and reclamation plan, approved in compliance with Chapter 22.36.

2. Shoreline areas may not be altered by grading, paving, or other development of impervious surfaces for a distance of 100 feet from the mean high tide line, 75 feet from any lakeshore, or 50 feet from any stream bank, except where authorized through Conditional Use Permit approval. Where the requirements of the California Department of Fish and Game or other public agency having jurisdiction are different, the more restrictive regulations shall apply.

3. Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses within an SRA through filling, sedimentation, erosion, increased turbidity, or other contamination.

4. Where an SRA is applied because of prominent geological features visible from off-site (such as rock outcrops), those features shall be protected and remain undisturbed by grading or development activities.

5. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species are not to be disturbed by construction activities or subsequent operation of the use, except where authorized by Conditional Use Permit approval.

[Amended 1986, Ord. 2250; 1992, Ord. 2553] *[22.07.160 to 166]*

22.14.110 - Transfer of Development Credit Sending Site (TDCS)

The TDCS combining designation is used to identify areas of the county which have a recorded conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act, granted in perpetuity to a qualified public or private non-profit organization created for the purposes of protecting and managing resources.

A TDCS combining designation may also be used to describe community-based TDC programs defined by Framework for Planning, Part I of the Land Use Element. Community-based TDC program areas are not required to have a conservation or other instrument recorded over the property. The geographic boundaries of an individual community-based program areas are described in the "Combining Designations" chapter of each area plan. The specific requirements and conditions of each community-based TDC program can be found in Article 9 (Community Planning Standards).

[Added 1996, Ord. 2776] *[22.07.180]*

22.14.120 - Transfer of Development Credit Receiving Site (TDCR)

The TDCR combining designation is used to identify sites where a recorded parcel or final map used transferred development credits to achieve a higher density than what would otherwise allowed for the applicable land use category.

A TDCR combining designation may also be used to describe community-based TDC programs defined in Framework for Planning, Part I of the Land Use Element. Community-based TDC program areas may not involve a recorded parcel or final map. The geographic boundaries of an individual community-based program area are described in the "Combining Designations" chapter of each area plan. The specific requirements and conditions of each community-based TDC program can be found in Article 9 (Community Planning Standards).

[Added 1996, Ord. 2776] *[22.07.190]*

CHAPTER 22.16 - LANDSCAPING STANDARDS

Sections:

22.16.010 - Purpose of Chapter
22.16.020 - Applicability of Landscape Standards
22.16.030 - Water Efficient Landscape - Methods
22.16.040 - Landscape Plans

22.16.010 - Purpose of Chapter

The standards of this Chapter are intended to: provide areas that can absorb rainfall to assist in reducing storm water runoff and controlling erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide privacy; while recognizing the need to use water resources as efficiently as possible. Additional purposes of these standards are to:

A. Establish a procedure for designing, installing and maintaining water efficient landscapes; and

B. Establish provisions for water management practices and limit the waste of water; and

C. Educate and provide guidelines to property owners in choosing planting materials, efficient irrigation systems, soil management and appropriate maintenance to create landscapes that are both attractive and water conserving.

[Amended 1993, Ord. 2648] *[22.04.180]*

22.16.020 - Applicability of Landscape Standards

A. Where required. Except as provided in Subsection B., the landscape standards of this Chapter shall apply to:

1. **Public projects.** Public projects that require a land use permit.

2. **Projects in specific land use categories.** Development projects in the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.

3. **Developer-installed landscape.** For the purposes of this Chapter, developer-installed landscape shall be defined as the landscape installed (including any common area) prior to the initial sale of the residence or landscape installed as a condition of approval of a land use permit.

    a. Within the urban and village areas, all developer-installed landscape in residential land use categories.

b. Outside of urban and village areas, all developer-installed landscape on parcels of 2.0 acres or less in any land use category.

B. Exceptions.

1. **Homeowner provided landscape.** Landscape in compliance with this Chapter is not required for any homeowner provided landscape in the residential land use categories except where required for a special use by Article 4 (Standards for Specific Land Uses), or by Conditional Use Permit or Minor Use Permit conditions of approval. For the purposes of this Section, homeowner provided landscape is defined as the landscape installed by the individual homeowner after the initial sale of the residence or after compliance with the conditions of approval of a land use permit has been achieved.

2. **Agriculture and Rural Lands categories.** Except where required for a special use by Article 4, setbacks and areas not proposed for development are not required to meet the standards of this Chapter when the areas are cultivated or maintained in native vegetation, provided that any applicable requirements of Chapter 22.50 (Fire Safety) are satisfied.

3. **Large rural parcels.** When located outside of an urban or village area, any parcel larger than 2 acres is not required to be landscaped. Landscape may be required Article 4, or by Conditional Use Permit or Minor Use Permit conditions of approval. In any case, all areas not proposed for development shall be cultivated, or maintained in native vegetation, and any applicable requirements of Chapter 22.50 (Fire Safety) shall be satisfied.

4. **Cemeteries.** Existing or proposed cemeteries are not subject to this Chapter.

5. **Small areas of landscape.** Landscaping meeting the water efficient provisions of Sections 22.16.030 is not required for any project with a potential total irrigated landscape area of less than 2,500 square feet with a proposed turf area of less than 20 percent of the irrigated landscape area. Landscaping located in the areas specified in Section 22.16.040.B is required and landscape plans in compliance with Section 22.16.040.D.1, D.3, and D.4 shall be submitted for review and approval. Landscaping shall be installed or its installation guaranteed through bonding prior to occupancy.

6. **Edible plants.** Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included in the determination of landscape area.

7. **Effect on existing uses.** The provisions of this Chapter are not retroactive in their effect on landscape lawfully established as of the date of adoption of amendments to this Chapter.

C. Modification. Where Conditional Use Permit or Minor Use Permit approval is required, the Review Authority may waive, modify or increase the landscape standards of this Chapter.

[Amended 1993, Ord. 2648; 1999, Ord. 2880] *[22.04.182]*

22.16.030 - Water Efficient Landscape - Methods

When landscape is required to be provided in compliance with Section 22.16.020, the applicant shall choose one of the following methods to determine and guarantee that the proposed planting will be water efficient.

	Plant List	Plant List Adjustment	Modification
Methods	All plant materials selected from the plant list (1)	80% of plant materials selected from plant list (2)	Plant materials not selected from plant list/Does not qualify for plant list adjustment (3)
Landscape Plan (Section 22.16.040.D)	Can be prepared by landscape professional (4) or other	Must be prepared by landscape professional (4)	Must be prepared by landscape professional (4)
Level of Review	Staff review and approval of Landscape Plan	Staff review and approval of Landscape Plan	Minor Use Permit

Notes:

(1) All plant materials shall be from the lists maintained by the Department for the area of the County where the planting is proposed. The applicant shall provide, with the application submittal, a landscape plan that meets the requirements of Section 22.16.040 showing that all the proposed plant materials have been selected from the appropriate plant list(s). The landscape plan may be prepared by the applicant or a landscape professional as defined in Note 4 below. Addition of a specific plant to the plant list(s) may be approved by the Director upon written request by the applicant.

(2) In any case where 80 percent of the landscape area (as defined in Article 8 - landscape area) uses plant materials from the plant list, and the remaining 20 percent of the landscape area shall not include additional turf, an adjustment to the plant list may be granted in compliance with Section 22.70.030 (Adjustment).

(3) If the applicant does not choose to use the plant list method or does not qualify for an adjustment as described in Note 2 above, a request for modification of the standard may be granted through Minor Use Permit approval. The applicant shall provide justification for the request through calculations from a landscape professional (see note 4) showing that water conservation techniques will create a water efficient landscape.

(4) Licensed landscape architect, licensed architect, licensed landscape contractor, certified nurseryman practicing in San Luis Obispo County, or other qualified individual acceptable to the Director.

[Amended 1993, Ord. 2648] *[22.08.184]*

22.16.040 - Landscape Plans

The purpose of a landscape plan is to delineate the outdoor space including site development, earthworks, drainage, planting, irrigation and site details. By detailing the proposed plantings and method of irrigation, a landscape plan provides an effective means for evaluating whether chosen plant materials will: survive in the climate and soils of a given site; satisfy the functional objectives of landscape (such as erosion control, screening and shade) within a reasonable time; and whether a proposed irrigation system will adequately support plantings while conserving water.

A. Where required. Landscape plans are required to accompany all applications for land use permit approval where required by Section 22.16.020. Preliminary landscape plans may be submitted at the time of land use permit submittal. Final landscape plans meeting the standards of this Chapter will be required prior to issuance of a grading or building permit or establishment of a use not involving construction.

Required Landscape Plan Content	
Content	**Applicable Section**
Landscape Site Plan	22.16.040.D.1
Landscape Grading & Drainage Plan	22.16.040.D.2
Planting Plan	22.16.040.D.3
Irrigation Plan	22.16.040.D.4

Notes:
(1) Specific requirements of the landscape plan may be waived by the Director where determined to be unnecessary.

B. Location of landscape. Landscape shall be provided in the following locations:

1. **Setbacks.** All setback areas required by Section 22.10.140 (Setbacks) or Article 4 (Standards for Specific Land Uses), except where enclosed and screened from the view of the public streets and adjoining properties by solid fencing in accordance with Section 22.10.080 (Fencing and Screening), and except where a required setback is traversed by a driveway or sidewalk.

2. **Unused areas.** All areas of a building site not identified in a Zoning Clearance, Site Plan Review, Minor Use Permit or Conditional Use Permit application as intended for a specific use or purpose, except where enclosed and blocked from the view of public streets by solid fencing and/or buildings.

3. **Parking areas.** As required by Sections 22.18.060.F and G. (Parking Lot Construction Standards).

4. **Special use sites.** As required by Article 4 (Standards for Specific Land Uses) for specific land uses, for the purposes of screening, buffering or general landscaping.

5. **Where required by conditions of approval.** As set forth in conditions of approval adopted in compliance with Section 22.62.060.C.2 (Additional Conditions).

C. **Standards for landscape.** Proposed landscape should relate to the architectural design elements of the structures on the site and should be compatible with the character of adjacent landscape, provided the adjacent landscape meets the standards of this Title. The following standards shall be incorporated into the design of the proposed landscape and shall be shown on any required landscape plan:

1. **Allowable materials (permeable).** Landscape areas shall include some combination of the following materials where appropriate to achieve the intended or required purpose of the landscape (e.g., screening, etc.):

   a. Trees, shrubs, groundcover, vines, flowers or lawns;

   b. Bark, timber, decorative rock, boulders, gravel, decomposed granite or other decorative materials, provided that such materials allow for the percolation of water through to the ground;

2. **Allowable materials (impervious).** Landscape areas built for various outdoor activities shall be constructed of materials appropriate to achieve the intended or required purpose of the landscape. These areas shall include some combination of the following materials.

   a. Landscape construction materials including concrete, tile, brick, asphalt, and pavers.

   b. Structural features including fountains, pools, artwork, walls and fences.

3. **Excluded materials.** Landscape shall not include any plant materials which:

   a. Will have diminished potential for survival because of proposed locations or grouping that do not satisfy the needs of the plant material necessary for healthy growth.

   b. Because of proposed location and type, will create a potential hazard of brush or forest fire.

   c. Will obstruct the vision of vehicle operators or pedestrians at points of intersection between pedestrian and vehicular traffic. Plant materials that have root structures that in their mature state will damage or interfere with the normal use of existing public or private underground electrical lines, cables, or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations, or landscape materials should be planted away from or use methods that will protect the above-referenced improvements from damage.

4. **Plant selection and grouping.** Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographic conditions of the site and the following factors shall be considered:

a. Protection and preservation of native species and natural features and areas is encouraged.

b. The planting of native species and drought tolerant species is encouraged.

c. The planting of trees is encouraged.

d. Plants having similar water use shall be grouped together in distinct hydrozones. Hydrozones as used in this Title means a portion of the planted area having plants with similar water needs that are served with the same irrigation schedule.

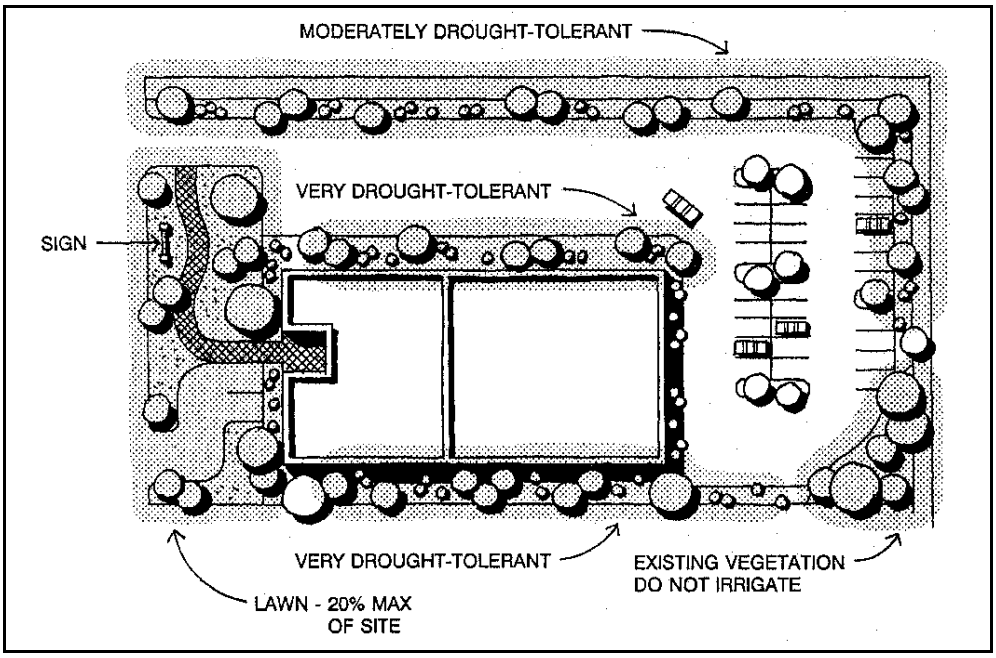

Figure 16-1 - Hydrozones

e. Fire prevention needs shall be addressed in high and very high fire hazard areas.

f. The maximum amount of turf (lawn) area shall not exceed twenty percent of the total site area for parcels less than one acre. Parcels of one acre or greater shall not have a turf (lawn) area larger than twenty percent of the site's total landscape area.

g. Portions of landscape areas in public and private projects such as parks, playgrounds, sports fields, golf courses, or school yards where turf provides a playing surface or serves other recreational purposes are considered recreational areas and are not subject to the turf limitations of Subsection F. These areas may require additional water. A statement shall be included with the landscape plan designating recreational areas to be used for such purposes and specifying any needed amount of additional water to support those areas.

5. **Timing of installation.** All required elements of the landscape plan shall be in place before establishment of a use or issuance of a Certificate of Occupancy or final building inspection has been granted by the Building Official, except as provided by Section 22.64.110 (Occupancy with Incomplete Site Improvements).

6. **Maintenance.** All required plantings shall be maintained in good growing condition, and in any case where a required planting has not survived, shall be replaced with new plant materials that conform to any approved planting plan. Repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

D. **Landscape plan content.** Landscape plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscape is required. Landscape plans shall contain the following information except that specific requirements may be waived by the Director where determined to be unnecessary:

1. **Landscape site plan.** A landscape site plan shall be submitted as part of the landscape plan and shall contain the following information:

a. Existing and proposed buildings and structures including architectural elevations.

b. Details and location of proposed pools, ponds, water features, fencing, retaining walls, entries, trash collection areas and free-standing signs.

c. Details and location of proposed walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.

d. Details and location of proposed outdoor light fixtures, including their location, height and wattage.

2. **Landscape grading and drainage plan.** A landscape grading and drainage plan shall be submitted as part of the landscape plan. The proposed grades shall provide for appropriate slopes for the activities indicated on the landscape site plan; result in suitable environments for successful plant growth while providing for water conservation; provide for site drainage that allows maximum percolation in the soil

without creating undesirable ponding and not impacting downstream drainage courses or structures; and preserve and enhance areas where existing plants shall remain. Where another section of this Title requires the preparation of a grading and drainage plan, those plans shall be considered as meeting the requirements of this Subsection. The landscape grading and drainage plan shall contain the following information:

a. Existing contour lines of the property at two foot intervals for the areas proposed for landscape.

b. Proposed contour lines at two foot intervals for the areas proposed for landscape.

c. Average slope in percentage for paved areas including driveways, walkways, and ramps.

d. Average slope in percentage for areas proposed for planting.

e. Proposed subsurface drainage improvements including inlet structures, piping and outlet structures and details for construction of those elements.

f. Calculations for any proposed cut and fill.

3. Planting plan. A planting plan shall be submitted as part of the landscape plan and shall contain the following information:

a. The location of all trees existing in or within 50 feet of areas proposed for grading or other construction, that are eight inches or larger in diameter at four feet above natural grade. Trees proposed to be removed shall be identified. (See Chapter 22.54 for tree removal standards).

b. Any shrubs or plants identified by the standards of a SRA combining designation (Part II of the Land Use Element) as endangered or to otherwise be protected.

c. Natural features including but not limited to rock outcroppings, ponds, and existing vegetation that will be retained.

d. Designation of specific hydrozones.

e. The location and proposed area of turf in compliance with the limitations of Section 22.16.040C.4.f.

f. Proposed plant materials including the location, species (plants shall be labeled using both the botanical and common name), container size, spacing and number of trees, shrubs and groundcover, and a calculation of the total area proposed for planting.

g. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details. A mulch of at least three inches shall be applied to all planting areas except areas in turf or groundcover.

h. Designation of the area to be used for recreational purposes as defined in Section 22.16.030C.4.g.

4. Irrigation plan. An irrigation plan, meeting the following standards and containing the following information, shall be submitted as part of the landscape plan.

a. Irrigation standards.

1. Methods of irrigation. All irrigation shall be drip, trickle, low flow sprinkler heads or any other recognized method of low volume, high efficiency irrigation.

2. Runoff and overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigation areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff. Runoff shall be avoided on slopes and in median strips, and from overspray in planting areas with a width less than ten feet.

3. Irrigation timetable. The scheduling of irrigation shall occur between 3 a.m. and two hours after sunrise. Large landscape areas, such as golf courses or play fields, shall schedule irrigation to occur between one hour before sunset and two hours after sunrise. These timetables are established to avoid irrigating during times of high temperature or wind.

b. Irrigation plan details.

1. Equipment. A plan and schedule of equipment including gate valves, backflow preventers, control valves, piping, sprinkler heads, water meter size and location. Rain sensing override devices shall be required on all irrigation systems.

2. Controllers. Automatic control systems shall be required for all irrigations systems and must be able to accommodate all aspects of the design.

3. Valves. Plants which require different amounts of water should be irrigated by separate control valves. If one valve is used for a given area, only plants with similar water use should be used in that area. Alternative methods that meet the intent of this standard may be considered for use.

Anti-drain (check) valves shall be installed in strategic points or heads that have built-in check valves shall be used to minimize or prevent low-head drainage.

4. **Sprinkler heads.** Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, and adjustment capability.

5. **Water source.** Specify the type, size of service connection, flow in gallons per minute (GPM), static water pressure in pounds per square inch (psi), and maximum pressure in psi required to operate the irrigation circuit with the greatest pressure loss in the system. Also specify the flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.

c. **Irrigation program.** An annual irrigation program with monthly irrigation schedules for the plant establishment period, for the established landscape and for any temporarily irrigated areas shall be provided for all projects meeting the applicability standards of Section 22.16.020 within the Commercial Retail, Commercial Service, Office and Professional, Industrial, and Residential Multi-Family land use categories. The irrigation schedule shall:

1. Include run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station; and

2. Provide the amount of applied water (in hundred cubic feet, gallons, or whatever billing units the local water supplier uses) recommended on a month and annual basis.

3. Indicate if any additional water is needed for recreation areas as defined by Section 22.16.030C.4.g.

4. Incorporate, wherever possible, the use of evapotranspiration data such as those from the California Irrigation Management System (CIMIS) weather stations to apply the appropriate levels of water for different climates.

d. **Recycled water irrigation systems.**

(1) **Applicability.** In the event standards for the installation of greywater systems are adopted through state law, local ordinance or local guidelines approved by the Board, the installation of recycled water irrigation systems (dual distribution/greywater systems) shall be required to allow for the use of recycled water. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

(2) **Exemption.** A modification to this standard may be granted by the Director where physical constraints or functional difficulties would make the use of recycled water irrigation systems impractical.

E. Landscape plan review and approval.

1. **Timing of review.** Landscape plans shall be reviewed at the same time as the land use permit application which they accompany.

2. **Criteria for approval.** Landscape plans shall be approved when the Review Authority finds that:

   a. The proposed plant materials will survive in the climate and soils of the site; and

   b. The proposed plant materials and their planned locations will satisfy the landscape standards of this Chapter (e.g. screening, shade, maintenance of permeable soil, water efficiency).

   c. The proposed means of irrigation will adequately support the plant materials proposed and will be well designed and maintained in order to achieve the greatest irrigation efficiency.

[Amended 1993, Ord. 2648] *[22.04.186]*

CHAPTER 22.18 - PARKING AND LOADING STANDARDS

Sections:

22.18.010 - Purpose of Chapter
22.18.020 - Off-Street Parking Required
22.18.030 - Location of Parking on a Site
22.18.040 - Parking Design Standards
22.18.050 - Required Number of Parking Spaces
22.18.060 - Parking Lot Construction Standards
22.18.070 - Off-Site Parking
22.18.080 - Off-Street Loading Requirements
22.18.090 - Drive-In and Drive-Through Facilities

22.18.010 - Purpose of Chapter

The parking and loading standards provided by this Chapter are intended to: minimize street congestion and traffic hazards; provide safe and convenient access to businesses, public services, and places of public assembly; and to make the appearance of parking areas more compatible with surrounding land uses. *[22.04.160]*

22.18.020 - Off-Street Parking Required

All uses requiring a land use permit shall be provided off-street parking in compliance with this Chapter, ***except*** parking lots that qualify for the following modifications:

A. Compact car spaces. Lots with 20 more spaces may substitute compact car spaces for up to 20 percent of the total number of required spaces. Compact car spaces shall be a minimum of 8 by 14 feet in size.

B. Motorcycle parking. Lots with 20 or more spaces may replace regular spaces with motorcycle spaces. One regular space may be replaced with a motorcycle space for each 20 required spaces. Motorcycle spaces shall be a minimum size of four by eight feet.

C. Parking assessment district. Parking requirements may be waived or modified within a parking district, through planning area standards.

D. Shared on-site parking adjustment. Where two or more nonresidential uses are on a single site, the number of parking spaces may be reduced through adjustment (Section 22.70.030) at a rate of five percent for each separate nonresidential use, up to a maximum of 20 percent; as long as the total of spaces is not less than required for the use requiring the largest number of spaces.

E. Shared peak-hour parking. Where two or more uses have distinct and differing peak traffic usage periods (e.g. a theater and a bank), the required number of parking spaces may be reduced through Minor Use Permit approval, in addition to the parking reduction allowed by Subsection D. The most remote spaces in the parking lots shall be located no more than 300 feet from the pedestrian entrance to each use that the parking spaces serve (as measured along the most direct pedestrian path). The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required by Section 22.18.050 for the single use among those proposed which is required to provide the most parking.

F. On-street parking adjustment. Where a proposed driveway from a street to a new parking area would eliminate on-street parking spaces equal to or greater than the off-street spaces required, the requirement for off-street spaces may be eliminated through adjustment (Section 22.70.030) where the access or proposed building cannot reasonably be redesigned to avoid a net loss of parking.

G. Nonconforming parking. Where an existing development is nonconforming as to the off-street parking requirements of this Chapter, a new allowable use may be established, or an existing allowable use may be expanded, only as allowed by Section 22.72.100 (Nonconforming Parking).

H. Modification of parking standards. The parking standards of this Chapter may be modified as follows:

1. **Permit Requirements.** Proposals to reduce the required number of parking spaces, or to modify any of the other parking standards of this Chapter may be authorized through Minor Use Permit approval.

2. **Criteria for approval.** Proposed modifications of parking standards shall be approved only where the Review Authority first determines, based upon specific findings of fact, that:

   a. The characteristics of a use, the site, or its immediate vicinity do not necessitate the number of parking spaces, types of design, or improvements required by this Chapter; and

   b. Reduced parking or an alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use, or that additional parking is necessary because of specific features of the use, site, or site vicinity; and

   c. No traffic safety problems will result from the proposed modification of parking standards.

[Amended 1981, Ord 2063; 1984, Ord. 2163; 1992, Ord. 2553] *[22.04.162]*

22.18.030 - Location of Parking on a Site

Required parking spaces may be located as needed on a proposed site, subject to the design and construction standards of Sections 22.18.040 and 22.18.060, and the following:

A. Use of front setback. Required parking spaces shall not be located within the required front setback (Section 22.10.140) except in a Residential Multi-Family category qualifying for medium- or high-intensity development (Section 22.10.130).

B. Use of side and rear setbacks. Side and rear setbacks may be used for vehicle parking except on the street side of a corner lot.

[22.04.163]

22.18.040 - Parking Design Standards

All off-street parking areas shall be designed and improved as follows.

A. Parking space and aisle dimensions. All off-street automobile parking spaces shall be a minimum of nine by 18 feet in size, except for compact car spaces (Section 22.18.020.A), handicapped spaces (Section 22.18.050.B.1 and motorcycle spaces (Section 22.18.020.B). Parking lot aisles shall be of the following dimensions:

1. Angle parking. The aisle dimensions for angle parking shall be based upon the angle and width of the parking space, as set forth in the following table. The use of a wider parking space enables reducing the aisle width, as shown.

KEY TO DISTANCES IN FIGURE				
Angle in degrees	**Space Width (a)**	**Space to Curb (b)**	**Aisle (1) (c)**	**Tier Width (2) (d)**
90°	8'-0" (3) 9'-0" 10'-0"	14'-0: 18'-0" 18'-0"	20'-0" 24'-0" 22'-0"	52'-0" 60'-0" 58'-0"
60°	8'-0" (3) 9'-0" 10'-0"	16'-0" 20'-0" 20'-8"	14'-0" 18'-0" 16'-0"	48'-0" 58'-0" 57'-4"
45°	8'-0" (3) 9'-0" 10'-0"	15'-6" 19'-0" 20'-0"	12'-0" 16'-0" 14'-0"	43'-0" 54'-0" 54'-0"

Notes:
(1) Aisle widths for 45° and 60° spaces are one way only. Two-way aisles for diagonal spaces shall be a minimum of 24 feet wide.
(2) Tier means tow rows of parking spaces plus an aisle.
(3) Compact car spaces only, see Section 22.18.020.A.

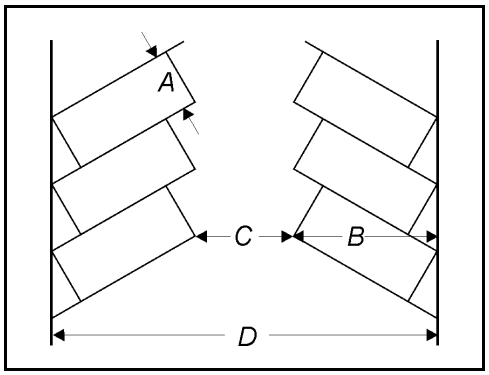

Figure 18-1 - Parking Space Dimensions

2. **Parallel parking.** Space dimensions shall be nine by 22 feet. Aisle dimensions for parallel parking shall be 12 feet for one-way aisles, and 24 feet for two-way aisles.

B. Parking lot design standards.

1. **Controlled access required.** The design of parking areas for more than two vehicles shall not require or encourage backing out into a public street, pedestrian walk or public alley (unless an alley is also used as an access aisle for angle parking across from the site). Parking lot design and improvements shall prevent vehicle entrance or exit at any point other than marked driveways.

2. **Minimum access and location.** Access from a parking area to a public street shall be provided as required by Section 22.54.020 (Site Access and Driveway Requirements).

3. **Guest parking location.** Guest parking spaces required for residential projects by Section 22.18.050.C.5 shall be distributed within the project and located so as to be conveniently accessible to guests at all times.

4. **Drop-off points required.** When located outside central business districts, parking areas for the public assembly facilities listed in this Section shall include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas shall consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points shall be provided for: hotels and motels, schools with 50 or more students; churches with a capacity of 100 or more; restaurants with a capacity of 50 or more customers; public transportation terminals; places of public assembly; public buildings; and offices larger than 5,000 square feet.

5. **Tandem parking.** Each space in a parking lot, area or garage shall be individually accessible, except that automobiles may be parked in tandem in the following situations:

   a. In a parking area serving a single family dwelling, individual mobile home or multi-family dwelling, where the tandem parking is not more than two cars in depth; provided that both spaces are for the same dwelling, and are not located in a required front setback.

   b. In a public garage or public parking area where all parking is performed by attendants at all times, or for public assembly facilities and temporary events where user arrivals and departures are simultaneous and parking is attendant-directed.

   c. For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than 50 percent of the employee spaces are designed for tandem use.

[Amended 1982, Ord. 2091;1991, Ord. 2523] *[22.04.164]*

22.18.050 - Required Number of Parking Spaces

All land uses requiring a permit under this Title shall be provided off-street parking spaces as follows:

A. Use of tables. The tables in Subsection C. determine the number of parking spaces required for each use of land, as follows:

1. **Uses not listed.** For uses not specifically listed in this Subsection that do not have parking requirements set by Article 4 (Standards for Specific Land Uses), the same parking and loading space is required as for the most similar use of equivalent intensity; except where a use not listed requires Conditional Use Permit approval, in which case the amount of parking and loading space required shall be as determined by the Commission.

2. **Uses not specified.** Where a commercial, office or industrial building is proposed for construction when the eventual occupants(s) and use(s) of the building are not yet known, the amount of parking and loading space provided shall be as set forth for the allowable use with the largest number of spaces required by Subsection C. (provided the Director determines that the proposed building as designed can reasonably accommodate such use), except:

   a. Where the applicant chooses to limit the uses of the building to a specific list defined by a recorded agreement with the County in a form approved by County Counsel; or

   b. Where the Commission specifies the uses that may be established within the building and the number of parking spaces required through Conditional Use Permit conditions of approval.

   [Added 1984, Ord. 2163]

3. **Parking and loading intensity.** Parking lot and loading bay intensity describes the rate of vehicle turnover in parking and loading areas. Turnover factors are assigned to each use by the charts in Subsection C. High intensity areas have rapid turnover; medium intensity areas are those where vehicles are parked from two to four hours; low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots. Parking lot turnover is used in Section 22.54.020 (Site Access and Driveway Requirements) as a basis for determining site location, and in Section 22.18.060 (Parking Lot Construction Standards). Loading bay intensity is used in Section 22.18.080 (Off-Street Loading Requirements).

4. **Mixed use sites.** Where a site contains more than one principal land use (such as a shopping center), the amount of parking required shall be the total of that required for each individual use, except as otherwise provided by Section 22.18.020 (Off-Street Parking Required).

5. **Mixed function buildings and storage areas.** Where a building (or separate tenancy rental space within a building) occupied by a single use contains several functions (such as sales, office and storage areas), parking shall be as required for the principal use, for the gross floor area (total area of all internal functions), except where the parking standards in Subsection C. set specific requirements for functional areas within a principal use (e.g., active use area and storage area). Where Subsection C. does not identify specific requirements for storage areas within a principal use and the principal use contains storage areas larger than 2,000 square feet, the parking requirement shall be determined separately for those areas, as specified for warehousing in Subsection C.11.

6. **Terms used in charts.**

   a. **Active use area.** All developed areas of a site and buildings except storage, parking and landscaping.

   b. **Floor area.** Means gross floor area, all areas within buildings.

   c. **Office space.** Any private interior office or each 150 square feet of open work area.

   d. **Site area.** Gross site area.

   e. **Use area.** All developed areas of a site and buildings, except parking and landscaping.

7. **Number of spaces.** Where Section Subsection C. sets parking requirements based on building area (square footage), site or use of area, the number of spaces shall be set forth for each square footage increment specified or fraction thereof, except in the case of a storage area. The number of spaces required on the basis of storage area shall be for each full floor area increment specified and no additional spaces shall be required where the storage area is a fraction of the increment.

B. Special parking space requirements. In addition to the parking spaces required by Subsection C., new uses within an urban or village reserve line shall also provide, when applicable, the type and number of spaces required as follows:

1. Handicapped parking. Non-residential parking lots with five or more spaces shall include handicapped parking as required by Title 24 of the California Administrative Code, and as set forth in this Subsection. Handicapped spaces may be included as part of the total number of parking spaces required by this Title.

a. Number of spaces required:

Total Spaces	Spaces for Disabled
1- 40	1
41- 80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
500+	1 for each additional 200

b. Design of spaces. Handicapped parking spaces shall be designed, located and provided with identification signing as set forth in Section 2-7102, Title 24, California Administrative Code.

2. Company vehicles. Commercial or industrial uses shall provide one parking space for each company vehicle which is parked on the site during normal business hours. Such space may be located within a building.

3. Bicycle racks. Parking lots with 20 or more spaces shall provide one bicycle rack space for each 10 parking spaces. Bicycle racks shall be designed to enable a bicycle to be locked to the rack.

C. Parking requirements by land use.

1. **Agricultural uses.** Except for the specific uses listed in this Subsection, improved off-street parking and loading spaces are not required for an agricultural use, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors and loading activities entirely on the site of the use.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Ag Processing: Packing and Processing	1 per 1,000 sf. of use area.	Low	High
Wineries	1 per 2,000 sf. of active use area, and 1 per 5,000 sf. of storage, and	Low	High
	1 per 200 sf. of tasting room	Medium	
Animal Husbandry, Farm Equipment and Supplies, Nursery Specialties	1 per 500 sf. of floor area, and 1 per 1,000 sf. of outdoor use area.	Low	Low

2. **Communication uses.** Broadcasting studios shall provide parking as required for offices (see Subsection C.8). Transmission facilities are not required to have identified spaces, as long as sufficient usable area is provided to meet the parking needs of all employees entirely on the site of the use.

3. Cultural, educational and recreation uses.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Active Recreation Facilities: Amusement Parks/Fair-grounds	1 per 75 sf. of use area	Medium	Medium
Arcades (Games) and Billiards	1 per 100 sf. of floor space.	Medium	N.A.
Bowling Alleys	6 per lane.	Medium	Low
Dance Clubs	1 per 25 sf. of dance floor.	Medium	N.A.
Dance Studios	1 per 200 sf. of floor area.	Low	N.A.
Golf Courses	5 per hole plus any required for clubhouse uses.	Low	N.A.
Golf Driving Ranges (Separate from Golf Course)	2 per tee.	Low	N.A.
Health/Fitness Clubs	1 per 25 sf. of exercise floor; 1 per 100 sf. of equipment area; 1 per 300 sf. of other use area, except for pools and courts, which are calculated separately (see below).	High	N.A.
Miniature Golf	3 per hole.	Medium	N.A.
Skateboard Parks	1 per 500 sf. of use area.	Medium	N.A.
Skating Rinks	1 per 400 sf. of use area.	Medium	N.A.
Swimming Pools (Public or Member)	1 per 100 sf. of pool area, and 1 per 300 sf. of deck area.	Medium	N.A.
Tennis Courts, Racquetball	2 per court.	Medium	N.A.
Libraries	1 per 500 sf. of use area.	High	Low

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Public Assembly: Exhibit Facilities (including Museums)	1 per 150 sf. of exhibit floor.	High	Low
Seated Spectator Facilities (including a Church, Theater, other Auditoriums and Meeting Halls, Sports Assembly.	1 per 4 fixed seats, or 1 per 40 sf. of spectator area if seats not fixed.	High	Low
Schools: Preschools & Day Care	See Section 22.30.540 (Schools)		
Elementary & High School			
Business & Vocational			
College and University	As determined by the Review Authority		

4. **Manufacturing and processing uses.** Parking lot turnover is low; loading bay intensity is medium. Parking spaces are required as follows:

   a. One space per 500 square feet of active use area within a building; and

   b. One space per 1,000 square feet of storage area within a building; and

   c. One space per 2,000 square feet of outdoor active use area; and

   d. One space per 5,000 square feet of outdoor storage area

5. Residential Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Single-Family Dwellings (Including mobile homes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (including for the purpose of parking calculations, condominiums and other attached ownership dwellings.)	Resident Parking: 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 2 per three or more bedrooms, plus Guest Parking: 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four.	Low	N.A.
Nursing and Personal Care	1 per 4 beds	N.A.	N.A.
Group Quarters (including boarding houses, rooming houses, dormitories, and organizational houses.)	1 per bed, plus 1 per 8 beds.	Low	N.A.

6. Resource Extraction. No improved parking is required, provided sufficient usable area is available to accommodate all employee and visitor vehicles entirely on the site.

7. **Retail Trade Uses.** Parking required for a retail use shall be a minimum of two spaces for each use or separate tenancy, except where more spaces are required as follows:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Auto & Vehicle Dealers	1 per 400 sf. of showroom, 2 per service bay, 1 per 3,000 sf. of outdoor use area.	Medium	Low
Building Materials and Hardware	1 per 500 sf. of floor area, 1 per 3,000 sf. of outdoor use area.	Medium	Medium
Eating & Drinking Places: Restaurants & Bars (on-site consumption)	Customer Spaces: 1 per 60 sf. of customer area plus; Employee Spaces: 1 per 360 sf. of customer area, and 1 per 100 sf. of kitchen**.	High	Medium
Fast Food (includes drive-ins. If patron tables provided, use must also meet restaurant customer space requirement).	1 per 100 sf. of kitchen.	High	Medium
Food & Beverage Retail Sales	1 per 200 sf. of floor area, 1 per check stand, 1 per 600 sf. of storage area.	High	Medium
Fuel Dealers	1 per 1,000 sf. of use area	Low	High
Furniture, Home Furnishings & Equipment	1 per 400 sf. of sales area, 1 per 1,000 sf. of storage area.	Low	Medium
General Merchandise Stores	1 per 300 sf. of sales area, 1 per 600 sf. of storage area.	Medium	Low
Mail Order & Vending	1 per 1,000 sf. of use area.	Low	Low

** Kitchen includes all active food preparation areas, but not walk-in storage areas.

8. Service Uses. Parking required for a service use shall be a minimum of two spaces for each use or separate tenancy, except where more spaces are required as follows:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Auto Repair & Service	4 per service bay, 1 per 1,000 sf. of outdoor active use area.	Medium	Low
Equipment Rental	1 per 500 sf. of floor area, 1 per 2,000 sf. of outdoor use area.	Medium	Low
Copying & Reproduction	1 per 400 sf. of floor area.	Medium	Low
Construction Contracts	1 per 500 sf. of floor area.	Low	Low
Correctional Institutions	As determined by the Review Authority		
Financial Services	1 per 200 sf. of floor area, plus 1 per teller window, plus 1 per automatic teller machine.	High	Low
Health Care	1 space per 200 sf. of floor area, but not less than 2 spaces per office space and examination room.	High	Los
Hospitals	1 per bed, 1 per office space.	High	Low
Laundries and Dry Cleaning Plants	1 per 1,000 sf. of floor area, plus 2 per office space.	Low	High
Pick-up Office	2 per check stand.	High	Low
Offices: Accounting, Advertising Agencies, Architecture, Government, Insurance, Law Offices, Real Estate	1 per 200 sf. of floor area.	Medium	N.A.
Other Offices	1 per 400 sf. of floor area.	Low	N.A.
Photography Studios, Commercial Art Studios	1 per 400 sf. of floor area, but not less than 2 per office space.	Low	N.A.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Post Office	5 per service window, 1 per 500 sf. of floor area other than customer area.	High	High
Personal Services: Barber & Beauty Shops	2 per chair.	Medium	N.A.
Dry Cleaners (Small-scale, without delivery or linen supply type services)	1 per 500 sf. of floor area, 2 per check-stand.	Medium	Low
Funeral & Crematory Services	1 per 4 seats in each assembly room, 2 per office, or 1 per 40 sf. of floor space in assembly rooms, whichever is greater.	Medium	Medium
Laundromats	1 per 2 washers	High	N.A.
Other Personal Services	1 per 500 sf. of floor area.	High	N.A.
Public Safety Facilities	As determined by the Review Authority		
Repair Services (Consumer)	1 per 400 sf. of floor area.	Low	Low
Waste Disposal Sites	As determined by the Review Authority		

9. Transient Lodgings.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Hotels, Motels	2 spaces, plus 1 per unit, plus 1 per 10 units	Medium	Low

10. Transportation Uses.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Airports (Public) Harbors Marine Terminals	As determined by the Review Authority		
Public Utility Centers	None, provided sufficient usable area is available to accommodate all employee and visitor vehicles entirely on-site.	Low	Low
Transit Stations and Terminals (Passenger facilities only - does not include bus barns).	1 per 100 sf. of waiting area, 1 per 300 sf. of office space additional spaces as required for accessory uses (restaurant, etc.)	High	High
Truck Stops	1 per 1,000 sf. of use area for the first 5,000 sf., 1 per 3,000 sf. of use area thereafter.	Medium	High
Vehicle & Freight Terminals	2 per loading bay, 1 per 300 sf. of office space.	High	High
Vehicle Storage	None, provided sufficient usable area is available to accommodate all employee and visitor vehicles entirely on-site.	Low	Low

11. Wholesale Trade.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Warehousing: Commercial Storage	1 per 2,000 sf. of use area for first 10,000 sf., 1 per 5,000 sf. of use area thereafter.	Low	High
Mini-Storage	2 spaces for office manager.	Low	Low
Wholesaling & Distribution	1 per 1,000 sf. of use area for first 10,000 sf. of use area, 1 per 3,000 sf. of use area thereafter.	Low	High

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1992, Ord. 2553; 1999, Ord. 2880] *[22.04.166]*

22.18.060 - Parking Lot Construction Standards

All parking areas that require three or more off-street parking spaces shall be improved as follows.

A. Surfacing. All parking areas (including on-site driveways) shall be surfaced with a minimum of asphalt, concrete, chip seal, or crushed rock surface, as specified in the following chart. Where concrete or asphalt are required, brick or other masonry paving units may be substituted, including vertically oriented concrete block with the block cells planted with grass.

Location	Parking Lot Turnover		
	High	Medium	Low
Inside Urban or Village Reserve Line	Asphalt (1) or Concrete (1)	Asphalt or Concrete	Chip Seal
Outside Urban or Village Reserve Line	Asphalt or Concrete	Chip Seal	Crushed Rock

Notes:

(1) As provided by the San Luis Obispo County Standard Specifications and Improvement Drawings.

B. Lining and marking. Parking spaces in paved parking areas shall be marked with paint striping, a minimum of two inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

C. Wheel stops. Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. In addition, wheel stops can be used for each parking space. Wheel stops shall be constructed as follows:

1. **Materials and installation.** Wheel stops shall be constructed of concrete, continuous concrete curbing, asphalt, timber, or other durable material not less than six inches in height. Wheel stops shall be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

2. **Setback.** Wheel stops or other vehicle barriers less than two feet in height shall be located no closer than three feet to any property line.

D. Vertical clearance. Covered parking spaces shall have a vertical clearance of at lease seven feet six inches (7'-6") above the parking lot surface for all uses except residential.

E. Slope. The finished grade of a parking lot shall not exceed five percent slope.

F. Landscaping. All parking lots of three or more spaces shall provide sufficient trees so that within ten years, 60 percent of the surface area of the lot is shaded by deciduous or evergreen trees in addition to any perimeter landscaping required by Subsection G. (Screening); provided that this requirement does not apply to parking lots that are underground or within buildings. Evidence of compliance with this Subsection shall be provided through the review and approval of a landscaping plan in compliance with Chapter 22.16 (Landscaping).

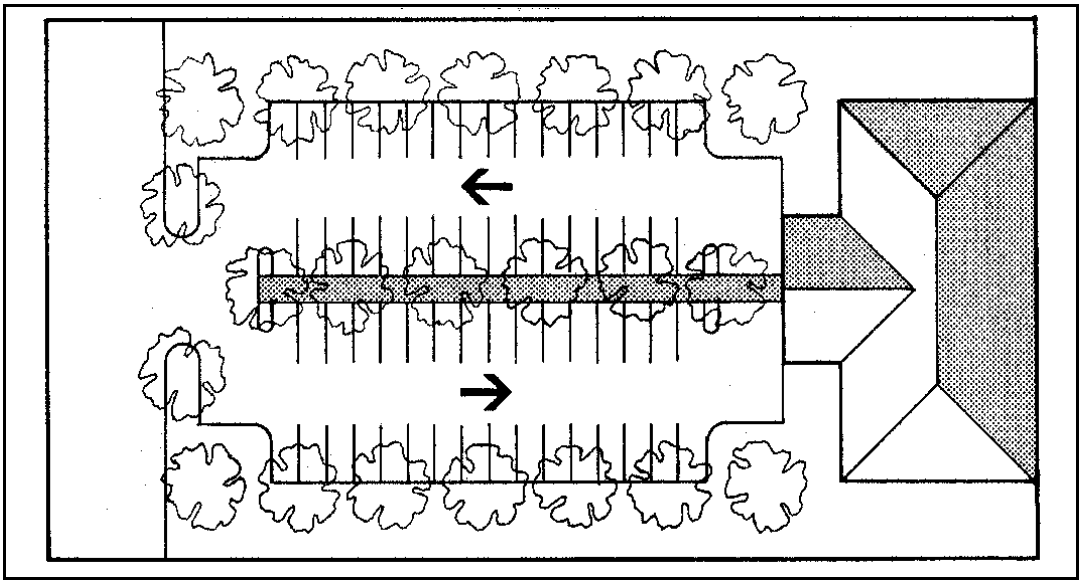

Figure 18-2 - Parking Lot Landscaping Example

G. Screening.

1. **From residential areas.** Parking lots that abut a residential use or residential category shall be separated from the property line by a landscaping strip. The landscaping strip shall have a minimum width of five feet. A six-foot high solid fence or wall shall be installed on the residential side of the landscaping strip, except that the fence shall be three feet high where located adjacent to a required front setback on an adjoining lot.

2. **From streets.** Parking lots abutting a public street shall be separated from the street right-of-way by: A landscaping strip with a minimum width of four feet; and where parking spaces are arranged to head toward the street, by a three foot high solid fence located on the parking lot side of the landscaping strip, or by a landscaped berm, three feet high.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.04.168]*

22.18.070 - Off-Site Parking

Where it is not feasible to provide sufficient on-site parking, an adjustment (Section 22.01.044) may be granted to allow the required parking to be located off-site provided that:

A. The most distant parking space is not more than 400 feet from the use; and

B. The parking lot site is in the same ownership as the principal use, or is under a recorded lease with the use in a form approved by County Counsel. In the event that off-site parking is leased, the approved use shall be terminated within 60 days of termination of the lease providing parking, unless the parking is replaced with other spaces that satisfy the requirements of this Title; and

C. The parking lot site is not located in a residential land use category unless the principal use requiring the parking is allowable in a residential land use category. Where any such principal use is subject to Conditional Use Permit approval, the off-site parking shall also be subject to Conditional Use Permit approval.

[Amended 1981, Ord. 2063; 1982, Ord. 2091] *[22.04.170]*

22.18.080 - Off-Street Loading Requirements

Off-street loading bays are required as provided by this Section, based upon the loading bay intensity determined by Subsection C. (Parking Spaces Required).

A. Number of bays required.

Use Area in Square Feet	Number of Bays Required Based on Loading Bay Intensity		
	High	**Medium**	**Low**
Less than 10,000	1	0	0
10,000 to 30,000	2	1	0
30,000 to 60,000	3	2	1
60,000 to 100,000	4	3	2
100,000 to 150,000	5	4	3
Each additional 50,000	1	0.50	0.25

B. Adjustment to number of bays. The number of loading bays required may be adjusted (Section 22.70.030) to 50 percent of the required number when such bays are designed to serve two or more uses jointly, provided that each use has access to the loading zone without crossing public streets, alleys or sidewalks.

C. Use of loading bays. Loading bays shall not be used for repair work, vehicle storage, or to satisfy space requirements for off-street parking.

D. Loading bay design standards.

1. **Access.** Each loading bay shall be accessible from a street or alley, or from an on-site aisle or drive connecting with a street or alley. Such access may be combined with access to a parking lot if located so loading activities will not obstruct normal on-site parking and traffic flow. Loading bays shall be designed to preclude the necessity for maneuvering on a street or sidewalk.

2. **Setbacks.** Loading bays shall be set back a minimum of 25 feet from any residential use or category.

[22.04.172]

22.18.090 - Drive-In and Drive-Through Facilities

This Section establishes supplementary standards for retail trade or service uses that conduct business while customers remain in their vehicles. These uses may include drive-through facilities that are accessory to a principal building where business is conducted indoors, or that conduct all business by means of drive-through facilities. These uses may include but are not limited to drive-in restaurants, fast food establishments with drive-through take-out windows, photofinishing services, and bank services, where allowed by the Land Use Element. These standards are not applicable to service stations (Section 22.30.130).

A. Site location criteria. A site that contains drive-in or drive-through facilities shall be located on a collector or arterial, provided that access to drive-through facilities may be to a local street when properties across the local street from the exit driveway are not in a Residential category.

B. On-site traffic control. Sites with drive-through facilities shall be provided internal circulation and traffic control devices as follows:

1. **Lane separation.** An on-site circulation pattern shall be provided for drive-through traffic that separates such traffic from that of stopover customers. Separation may be by paint-striped lanes from the point of site access to the stacking area described in Subsection B.2. The lanes shall be a minimum width of 10 feet.

2. **Stacking area.** An area shall be provided for cars waiting for drive-through service that is physically separated from other traffic circulation on the site. That stacking area shall accommodate a minimum of four cars per drive-through window in addition to the car(s) receiving service. Separation of the stacking area from other traffic shall be by concrete or asphalt curbing on at least one side of the lane.

3. **Directional signing.** Signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes.

[Amended 1992, Ord. 2553] *[22.04.178]*

CHAPTER 22.20 - SIGNS

Sections:

22.20.010 - Sign Ordinance
22.20.020 - Purpose of Chapter
22.20.030 - Sign Code Adopted
22.20.040 - Sign Permit Requirements
22.20.050 - Measurement of Sign Area
22.20.060 - Signs Allowed - Type and Area
22.20.070 - Sign Construction Standards
22.20.080 - Sign Maintenance Required

22.20.010 - Sign Ordinance

The standards this Chapter shall be known and may be cited as the "San Luis Obispo County Sign Ordinance." These requirements apply to all signs constructed or altered after the effective date of this Title, except as otherwise provided by Section 22.20.040. These requirements apply to proposed signs in addition to all applicable provisions of the California Outdoor Advertising Act (Business and Professions Code Sections 5200 et seq., and California Administrative Code Title 4, Sections 2240 et seq.). [Amended 1986, Ord. 2250] *[22.04.300]*

22.20.020 - Purpose of Chapter

This Chapter establishes sign regulations that are intended to:

A. Support the use of signs to aid orientation, identify businesses and activities, express local history and character, or serve other information purposes; and

B. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character and type of lighting compatible with the appearance of the buildings or uses identified by signs, as well as other buildings and uses in the vicinity; and

C. Support the use of signs that are maintained in a safe and attractive condition that do not:

   1. Create distractions that may jeopardize pedestrian or vehicular traffic safety; or

   2. Produce glare that adversely affects residential uses.

[22.04.302]

22.20.030 - Sign Code Adopted

The Sign Code published by the International Conference of Building Officials entitled the "Uniform Sign Code" 1991 edition, or subsequent edition adopted by the State of California, is hereby adopted and incorporated into this Title by reference as though it were fully set forth here. In the event of any conflict with the Uniform Sign Code, this Chapter shall prevail.

[Amended 1986, Ord. 2250; 1992, Ord. 2553] *[22.04.304]*

22.20.040 - Sign Permit Requirements

No sign shall be constructed, displayed or altered without first obtaining a sign permit (Zoning Clearance) as required by this Section, except where a sign is exempted from permit requirements by Subsection B.

A. Permit procedures.

1. The application, processing, review and approval of a land use permit for a sign shall be as set forth in Section 22.62.030 (Zoning Clearance), except where otherwise provided by Section 22.20.060 (Sign Area Standards), for signs of specific size or height or where signs are approved as part of an overall development project land use permit.

2. Where signs are proposed for a project subject to land use permit approval, a separate sign permit (Zoning Clearance) is not required. The land use permit application shall include complete information about the type, area, location and number of signs proposed, or such information is provided for Department review for conformity with the regulations of this Title before installation.

3. If required by the Uniform Sign Code, a construction permit shall also be obtained in compliance with Title 19 of this Code before the installation of any sign.

B. Exempt signs. The following signs are allowed without a land use permit, and shall not be included in determinations on the allowable number, type or area of signs in compliance with Section 22.20.060 (Sign Area Standards). Nothing in this Subsection shall exempt a sign from the necessity of construction permit approval if an electrical or building permit is required by the Building and Construction Ordinance or Uniform Sign Code. This Subsection supersedes Section 303 of the Uniform Sign Code.

1. Agricultural signs. Two signs with a total aggregate area not exceeding 32 square feet and a height not to exceed 10 feet for each lot or parcel, identifying and advertising agricultural products produced on the premises.

2. Construction signs. Two signs up to a combined total of 32 square feet not exceeding a height of eight feet, identifying parties involved in construction on the premises and future activity for which the construction is intended. Such signing shall not include the advertisement of any products. Removal is required within 14 days following completion of the construction.

3. **Directory signs.** Wall-mounted building directory signs for pedestrian use, listing the tenants or occupants of a building, provided that such directories do not exceed 20 square feet on any single building wall, nor a height of eight feet.

4. **Hazard signs.** Signs warning of construction, excavation, or similar hazards so long as the hazard exists.

5. **Historical markers.** Signs not exceeding four square feet in area, identifying historical sites, buildings or areas, placed by a historical society, chamber of commerce or public agency, and approved by the Director.

6. **Holiday decorations.** Temporary holiday decorations, provided that decorations for a single holiday or season are not in place for a period exceeding 90 days.

7. **Information kiosks.** Free-standing structures providing information for pedestrians, including permanent copy and temporary information such as handbills, posters and flyers affixed to a bulletin-board type surface. The total area of kiosk display surfaces shall not exceed 40 square feet or a height of eight feet. Kiosks shall be separated from adjacent structures by a minimum of six feet.

8. **Internal signs.** Signs not intended to be viewed from public streets and are located to be not visible from public streets or adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

9. **Miscellaneous information signs.** Miscellaneous permanent information signs in nonresidential categories, with an aggregate area not to exceed four square feet at each public entrance nor 12 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers.

10. **Official flags.** Official federal, state or local government flags, emblems and historical markers.

11. **Official signs.** Official federal, state or local government traffic, directional guide and other informational signs and notices issued by any court, person or officer in performance of a public duty.

12. **Political signs.** Temporary political signs are allowed as follows:

    a. **Residential land use categories within urban or village areas.** Political signs shall not exceed four square feet total for each site.

    b. **Other land use categories within urban or village areas.** Political signs shall not exceed 16 square feet total for each site.

c. **Rural areas.** Political signs shall not exceed 32 square feet total for each site.

d. **Measurement of sign area.** For the purposes of this Subsection, each side of a sign may equal the maximum square foot total as defined in Subsections A., B., and C where the sign has two faces which are oriented back to back and separated by no more than 36 inches at any point.

e. **Timing of posting.** Political signs shall not be posted more than 60 days preceding the election and shall be removed within 14 days following the election. The primary and general elections are considered separate elections for the purposes of this Title.

f. **Location of posting.** Political signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal, official traffic control device or within the right-of-way are prohibited. Signs placed in these locations will be removed immediately by county employees.

g. **Enforcement.** If a sign which does not meet the provisions of this Section is not removed within 48 hours of receipt of written notice to the property owner, then the owner of the property may be subject to citation or fine or both.

13. **Prohibition signs.** "No Trespassing", "No Parking", and similar warning signs.

14. **Reader board.** Reader boards for community, charitable or religious organizations, provided such signs do not exceed 20 square feet per face and are not illuminated.

15. **Real estate signs.**

a. **For sale signs.** Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one sign is permitted to face each street adjacent to the property. Such signs may be a maximum of four square feet or less on property in residential categories and 32 square feet or less in nonresidential categories.

b. **Model homes.** Temporary signs, banners and decorations attracting attention to a model home and sales office within a new subdivision, provided that the aggregate area of each signing shall not exceed 32 square feet.

c. **Open house.** Temporary signs or banners attracting attention to an open house, with signing having a maximum aggregate area of 32 square feet, to be in place a maximum of seven days.

16. **Residential identification signs.** The following residential identification signs are allowed without permit approval:

    a. Individual residence identification signs, including but not limited to names of occupants and home occupations, limited to a total aggregate area of two square feet.

    b. One permanent identification signs with a maximum area of 20 square feet for each lot or parcel, identifying apartment projects, subdivision names, etc., provided such signing is approved as part of a subdivision map or land use permit for the project.

17. **Safety and directional signing.** Parking lot and other private traffic directional signs, including handicapped access and parking signs, each not exceeding five square feet in area. Such signs shall be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located, and shall not display any logo or name of a product, establishment, service, or any other advertising.

18. **Sign copy.** Changing the sign copy of an approved sign, provided that where the signing is not in conformity with the provisions of this Title, any change shall be in accordance with Section 22.72.070.C (Nonconforming Signs - Sign Copy).

19. **Sign maintenance.** Any maintenance which does not involve structural changes (See also Section 22.20.080).

20. **Temporary sales and events.** Banners, signs, decorative materials, or helium or other air filled objects in conjunction with an event conducted in compliance with Sections 22.30.350 (Outdoor Retail Sales), 22.30.610 (Temporary Events), or grand openings. Banners, signs, decorative materials and helium or other air filled objects shall not be posed more than 30 days preceding the event, shall be removed within seven days following the event, and are limited to a maximum aggregate area of 100 square feet per site.

21. **Vehicle signs.** Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs, and signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs.

22. **Window signs.** Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs shall not exceed 25 percent of the window area.

23. **Exterior wall murals.** Wall murals are allowed on exterior walls and building faces that do not contain any commercial signage. A wall mural includes images or pictorial elements and does not include trademarks, logos, or text; has no commercial context; does not represent any product for sale and is consistent with community character. The applicant shall provide an illustration of the proposed mural to the community advisory group and mural society where such group(s) exist for review and comment, and to the Director prior to a determination that the mural is exempt. If the mural is deemed to not be exempt by the Director, the applicant shall meet all standards and obtain a sign permit (Zoning Clearance) as required by Chapter 22.20.

C. Prohibited signs and sign materials. In addition to any sign or sign materials not specifically in accordance with the provisions of this Title, the following are prohibited:

1. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or makes use of words, symbols or characters so as to interfere with, mislead or confuse pedestrian or vehicular traffic.

2. Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device, as prohibited by Section 21464 of the California Vehicle Code.

3. Except as provided by Section 22.20.060, any off-premise sign that directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located, including but not limited to billboards and other off-premise outdoor advertising signs.

4. Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and barber poles.

5. Any sign or sign structure identifying a use or activity that has not occupied the site for a period greater than six months.

[Amended 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1994, Ord. 2696; 1995, Ord. 2741] *[22.04.306]*

22.20.050 - Measurement of Sign Area

For the purpose of evaluating whether a sign is in conformity with the provisions of this Title, the area of a sign shall be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:

A. Sign faces counted. Where a sign has two faces containing sign copy, which are oriented back-to-back and separated by not more than 36 inches at any point, the area of the sign shall be measured using one sign face only.

B. Wall-mounted letters. Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest single rectangle within which all letters and words can be enclosed.

C. Three-dimensional signs. Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects or sculptural or statue-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

[Amended 1981, Ord. 2063] *[22.04.308]*

22.20.060 - Signs Allowed - Type and Area

The following signs are allowed on a site subject to approval of a sign permit (Zoning Clearance) Section 22.20.040.A, in addition to any exempt signs allowed by Section 22.20.040.B.

A. Sign area limitations by land use category. The number and area of signs allowed on a site shall be as follows, based upon the land use category of the site, except where Subsection C. would also allow specialized signing:

1. **Commercial and Industrial categories.** The following signs are allowed in the Commercial Retail, Commercial Service and Industrial categories, with a maximum aggregate area of 100 square feet of signing per site:

   a. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15 percent of the building face, up to a maximum of 80 square feet. Such wall signs may be located on building faces other than those with public entrances.

   b. One suspended sign with a maximum area of 10 square feet for each business or tenant.

   c. One free-standing or monument sign for each 300 linear feet of site frontage or portion thereof, with a maximum area of 60 square feet each.

   d. One projecting sign with a maximum area of 20 square feet for each business or tenant.

   e. Marquee signing for each business or tenant, with a maximum area of 40 square feet.

2. **Office and Recreation categories.** The following signs are allowed in the Office and Professional and Recreation land use categories, with a maximum aggregate area of 100 square feet of signing per site:

   a. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 10 percent of the building face, up to a maximum of 50 square feet. Such wall signs may be located on building faces other than those with public entrances.

   b. One suspended sign with a maximum area of 10 square feet for each business or tenant.

   c. One monument sign for each business or tenant with a maximum area of 40 square feet and a maximum height of five feet.

3. **Commercial or public assembly uses in other categories.** Where commercial or public assembly uses (churches, sports facilities, etc.) are located in the Agriculture, Rural Lands or Residential land use categories, signing is allowed as set forth in Subsection A.2 for the Office and Professional category.

B. Location of freestanding signs. Freestanding signs may be located within the setback areas required by Section 22.10.140, provided that the signs are:

1. Monument signs with a maximum height of three feet or less; or

2. Signs elevated above 12 feet; or

3. Authorized through Conditional Use Permit approval.

Freestanding signs with a height between three and 12 feet shall be located outside of the setback areas required by Sections 22.10.140 et seq.

C. Specialized sign requirements.

1. **Shopping, business or industrial center signing.** When approved as part of the Conditional Use Permit, a shopping, business or industrial center with five or more separate uses or tenancies on a single site sharing common driveways and parking areas, is allowed one common identification sign with a maximum area of 60 square feet, in addition to the total sign area allowed by Subsection A. Where visible from a public street, signing on shopping center sites shall be of a uniform design throughout the center as to the size, finished framing materials and location on buildings of such signs.

2. **Community identification signs.** One community identification sign is allowed at or within an urban or village reserve line on each arterial street entering a community, with a maximum area of 100 square feet and a maximum height of 12 feet. The sign(s) may include the community name, slogans or mottos, names of civic or religious organizations, but no names of businesses or commercial products.

3. **Freeway identification signs.** In addition to the signs allowed by Subsection A., sites located in Commercial categories adjacent to Highway 101 or a Highway 101 Frontage Road may be authorized through Conditional Use Permit approval to use an on-site freeway identification sign with a maximum area not to exceed 125 square feet. The maximum height for freeway identification signs shall be 50 feet above grade, provided that the Commission may require a reduced height where deemed appropriate.

4. **Viticultural area signing.** Each area of the county recognized as an American Viticultural Area by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF), may be identified by roadside signs:

   a. **Required sign location.** On private property along a state highway, at or within the boundary of the viticultural area as determined by BATF.

   b. **Maximum area and height.** A maximum area of 80 square feet and a maximum height of 12 feet above the elevation of the adjoining roadway.

   c. **Sign copy.** Shall consist only of the phrase "Entering the (Applicable Name) Viticultural Area", or equivalent approved by the Director.

5. **Winery directional signs.** In addition to any signs allowed by Subsection A., approved wineries or winery tasting rooms in rural areas may also establish a maximum of two off-premise signs on private property, where allowed by state law adjacent to roads leading to the winery and/or tasting room, for the purpose of directing patrons to the site.

   a. **Maximum area and height.** A maximum area of 32 square feet and a maximum height of 10 feet above the elevation of the adjoining roadway.

   b. **Appearance.** All winery directional signs shall be of a uniform design, to be approved by the Director.

   c. **Sign copy.** Shall consist only of the name of the winery, the distance and direction from the sign.

D. Exceptions to sign standards. Greater numbers of signs or areas of signing larger than the requirements of Subsections A. or C. require Conditional Use Permit approval.

[Amended 1992, Ord. 2553] *[22.04.310]*

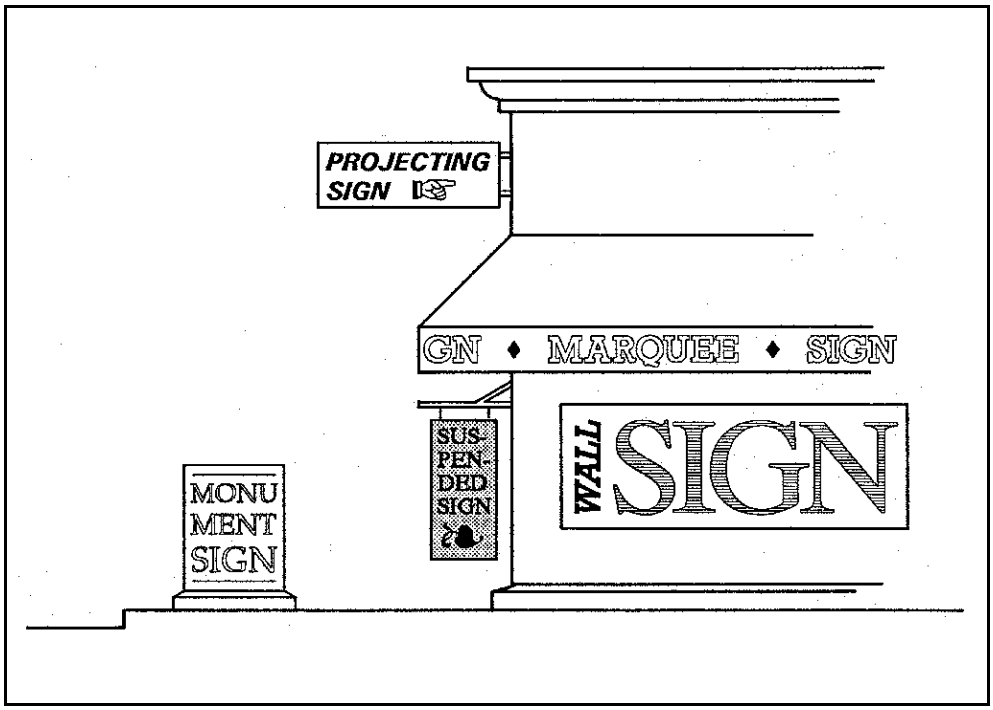

Figure 20-1 - Sign Types

22.20.070 - Sign Construction Standards

The design and construction of signs shall comply with Uniform Sign Code Sections 401 through 1402, and the following:

A. Height. The height of any sign or sign support structure shall be a maximum of 24 feet, or no higher than the building, whichever is less, except where otherwise provided by Section 22.20.060 (Sign Design Standards).

B. Lighting. Signs shall be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it.

[22.04.312]

22.20.080 - Sign Maintenance Required

All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having signing is discontinued for a period exceeding six months, all signs identifying the use and associated structures shall be removed from the site, or in the case of painted signs, painted out. Signing that is not in conformity with the provisions of this Chapter is subject to Section 22.72.070 (Nonconforming Signs). *[22.04.314]*

CHAPTER 22.22 - SUBDIVISION DESIGN STANDARDS

Sections:

22.22.010 - Purpose
22.22.020 - Applicability
22.22.030 - Information Used in Determinations
22.22.040 - Agriculture Category
22.22.050 - Rural Lands Category
22.22.060 - Residential Rural Category
22.22.070 - Residential Suburban Category
22.22.080 - Residential Single-Family and Multi-Family Categories
22.22.090 - Commercial and Office Categories
22.22.100 - Industrial Category
22.22.110 - Public Facilities Category
22.22.120 - Recreation Category
22.22.130 - Open Space
22.22.140 - Cluster Division
22.22.150 - Agricultural Lands Clustering

22.22.010 - Purpose

The standards of this Chapter determine the minimum size for lots created through new land divisions in each land use category. Procedures and additional standards for dividing land are in Title 21 of this Code. By refining the parcel size ranges set in the Land Use Element for each land use category, these standards determine site specific minimum parcel sizes for new lots that are consistent with the General Plan, in compliance with Government Code Section 66473.5. [Amended 1992, Ord. 2553] *[22.04.020]*

22.22.020 - Applicability

The minimum parcel size criteria of this Chapter are used to evaluate proposed land divisions to determine what parcel size may be appropriate in the specific case. The discretionary authority to approve a proposed land division is assigned by the Real Property Division Ordinance (Title 21 of this Code). A decision to approve or disapprove a land division will be substantially based on the provisions of this Chapter, however a parcel size larger than the minimum defined through the application of the tests provided in this Chapter may result from the consideration of information developed through analysis of the specific proposal, its site and vicinity, environmental review of the proposal as required by the California Environmental Quality Act (CEQA), public hearing testimony and any potential specific, adverse impacts.

A. When used. The standards of this Chapter shall be used to determine the allowable area for new lots, and to determine the conformity or nonconformity of the size of existing lots with the provisions of this Title, except as follows:

1. Where planning area standards (Article 9) set minimum parcel size requirements for specific areas of the county, the planning area standards control instead of the provisions of Sections 22.22.040 through 22.22.130.

2. The standards of Sections 22.22.040 through 22.22.130 do not determine the minimum site area required for a new use on an existing lot, unless specifically referred to elsewhere in this Title. Standards for the site design of new uses not involving land divisions begin with Section 22.22.110 (Minimum Site Area).

B. Area measured. For the purpose of determining whether existing or proposed parcels satisfy the standards of this Chapter for the minimum parcel size, net site area (as defined in Article 8 as "Site Area, Net") shall be used in all cases, except that:

1. Lots ***one acre or larger after division*** may use gross site area (see the definition in Article 8) where existing or proposed abutting rights-of-way are owned in fee, and the difference between net and gross site area of the proposed parcel is less than 10 percent.

2. A subdivision with lots that are proposed to provide any of the following features may include their area in the calculation of net site area for the adjacent lot:

   a. 10 additional feet of dedication on each side of the street, improved with fixed-width parkways between curb and sidewalk, or meandering sidewalks that vary the parkway separation between the curb and the sidewalk, where in either case the parkway is landscaped with one or more street tree for each 50 feet of frontage, and turf or low maintenance plants; and

   b. Equestrian trails.

3. Within a domestic reservoir watershed, no land within a horizontal distance of 200 feet from the reservoir impoundment, as determined by the spillway elevation, shall qualify for computing parcel size or for the siting of septic systems.

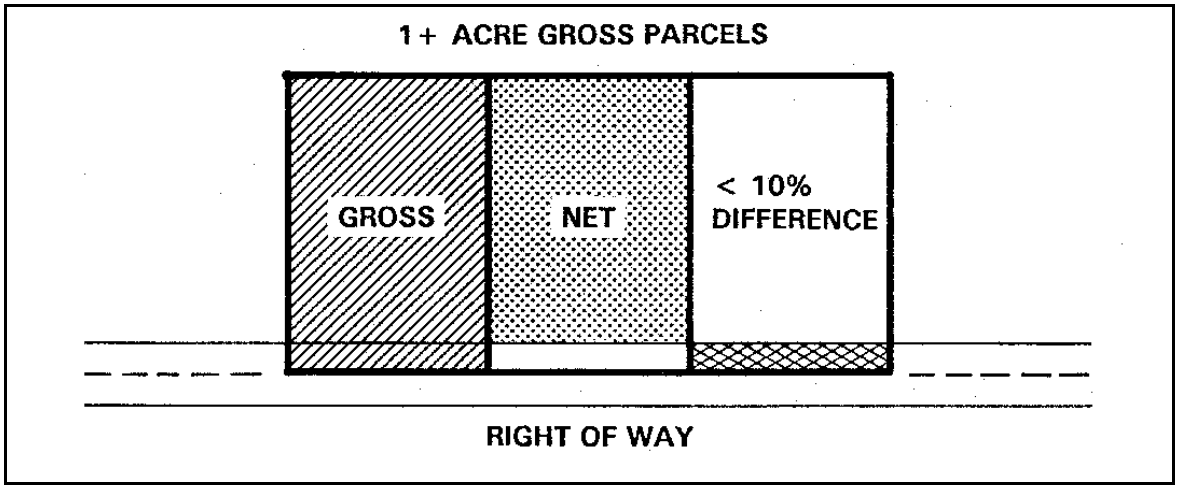

Figure 22-1 - Gross and Net Parcel Area

C. Parcel size within domestic reservoir watersheds. The minimum size for new parcels within a domestic reservoir watershed shall be 2.5 acres, except where:

1. Sections 22.22.040 through 22.22.130 would require a larger parcel size; or

2. A proposed parcel is located within a cluster division in compliance with Section 22.22.140 with a maximum density of 2.5 acres or more per dwelling unit; or

3. A proposed parcel will be served by an approved community sewage collection, treatment and disposal system.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1985, Ord. 2217; 1992, Ord. 2553; 1999, Ord. 2880] *[22.22.021]*

22.22.030 - Information Used in Determinations

Where minimum parcel size standards are based upon physical or geologic characteristics of land, the information used in the parcel size determination may be obtained from either:

A. The information on such land features on file in the Department; and/or

B. Alternate information prepared and certified by a registered civil engineer, registered geologist, licensed land surveyor, or other cartographic professional, or developed through preparation of a project EIR, in which case the EIR information shall be used instead of the other alternatives identified by this Section unless the information within the EIR is shown to be erroneous through further, more comprehensive study. [Amended 1982, Ord. 2063] *[22.04.022]*

22.22.040 - Agriculture Category

This Section contains three methods for determining minimum parcel size in the Agriculture land use category. Each proposed parcel must be able to qualify for the requested minimum parcel size using all tests within Subsections B. or C. The applicant will disclose as part of the application which Subsection (either B or C) is being used to determine the minimum parcel size for each of the proposed parcels. If the parcel is under agriculture preserve contract, Subsection D. applies.

A. Purpose. The purpose of this Section is to establish a set of regulations applicable to the division of land within the Agriculture land use category. In addition to complying with the standards set forth in this Section and all applicable policies of the general plan, proposed land divisions shall be specifically evaluated for consistency with the policies of the Agriculture and Open Space Element as follows:

1. Agricultural land divisions.

a. Where a division of agricultural lands is proposed, a cluster division where homes are clustered in a compact manner which reduces the agricultural/residential interface, is an alternative to a conventional "lot split" land division.

b. Where a division is proposed, the proposed parcels should be of adequate size and design to ensure the long term protection of agricultural resources.

2. Minimum parcel size criteria for the division of Agricultural lands. Minimum parcel sizes for the proposed division of land designated Agriculture shall be based upon either the existing or potential use of the land for cropland and grazing.

3. Discretionary approval. The approval of a land division is discretionary and a parcel size larger than the minimum designated in the following Subsections may be required to ensure agricultural capability in accordance with the provisions of the adopted Agriculture and Open Space Element of the general plan.

B. Size based upon existing use. Where a legal lot of record is developed with agricultural uses at the time of application for land division, the minimum size for a new parcel shall be the largest area determined by the following tests:

1. Use test. The minimum size for new parcels with existing agricultural uses shall be based on the type of existing agricultural use, as follows. Where a site contains more than one agricultural use, each new parcel shall satisfy the minimum parcel size for the qualifying agricultural land use.

a. Crop production:

Agricultural Land Use	Minimum Parcel Size
Irrigated row crops, specialty crops, nurseries, field crops, orchards and vineyards (examples: vegetables, strawberries, cut flowers and flower seed, avocados, kiwi, other fruits and nuts, wine grapes)	40 acres; except parcels may be as small as 20 acres as provided in Subsection b.
Irrigated pasture, grain and hay (examples: alfalfa, irrigated grain and hay) and Dry Farm orchards, vineyards	40 acres [1] (80 acres) [1]
Dry Farm field crops (examples: beans, specialty field crops) and grain and hay (examples: barley, wheat, oats, hay)	160 acres
Grazing	320 acres

Notes:
1. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agriculture Preserve Rules of Procedure and the adopted Agriculture and Open Space Element of the general plan

b. Proposed parcel size. Proposed parcels less than 40 acres, but no smaller than 20 acres, may be proposed if all of the following criteria are met for each proposed parcel:

(1) the proposed parcels must be Class I or II soils irrigated, or other soils listed as prime by NRCS;

(2) there must be at least 18 acres or 90 percent of the acreage of the total site, whichever is larger, planted in irrigated row crops, specialty crops, field crops, orchards or vineyards (as defined in the preceding Table);

(3) there must be a production water source currently installed;

(4) that prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein the owner(s) agrees on their behalf and all successors in interest to the parcel that, unless a Land Use Element amendment is first approved to change the classification of the site to a land use category other than Agriculture, approval or establishment of more than one residential use (other than farm support quarters) on the parcel will not be requested and cannot be approved. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board; and

(5) the resulting parcels must enter into a Williamson Act agricultural preserve contract in accordance with the county Rules of Procedure. Separate sale of parcels of record must be in compliance with Table 1 of the Agriculture Preserve Rules of Procedure.

c. **Agricultural processing.** The minimum size for a new parcel with established agricultural processing facilities and structures shall be 20 acres on sites with soils having a Natural Resource Conservation Service (NRCS) classification of I, II or III, and 5 acres on soils with an NRCS classification of IV through VII, provided that any parcel approved with less than 20 acres shall be subject to the requirements of this Subsection. The creation of parcels smaller than 20 acres shall not be allowed on properties subject to agricultural preserve contract.

1. **Application content.** The land division application shall be accompanied by a statement from the applicant explaining why it is necessary to segregate the existing agricultural processing facility from the surrounding ownership, and how such segregation will support the intensification of agricultural use on the remainder of the property.

2. **Residential use prohibited.** No residential use shall be established on a parcel approved for an agricultural processing facility with less than 20 acres.

3. **Declaration of restrictions required.** Prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein an agreement is made on behalf of the current owner(s) and all successors in interest to the parcel that, unless a Land Use Element amendment is first approved to change the classification of the site to a land use category other than Agriculture, no request for approval a residential use on the parcel will be filed, and no residential use will be established on the parcel. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.

4. **Required findings.** No parcel smaller than 20 acres shall be approved in compliance with this Section unless the Board first finds that the proposed parcel being smaller than surrounding agricultural holdings will have no adverse effect on the continuing agricultural use of parcels adjacent to and in the vicinity of the site, and that the applicant has demonstrated the capability of the agricultural processing use.

5. **Change of use.** After approval of a parcel smaller than 20 acres in compliance with this Section, Conditional Use Permit shall be required to authorize any change of the use that justified the small parcel to another use.

C. **Size based upon land capability.** Where a legal lot of record in the Agriculture category is not developed with an agricultural use at the time of application for land division, or where an applicant chooses this Subsection as the basis for determining allowable minimum parcel size, the minimum area for each new parcel is the largest determined by the following test:

1. **Land capability test.** The minimum parcel size for new parcels shall be based on the Natural Resources Conservation Service (NRCS) classification, as set forth in the following table. Where a site contains more than one soil classification, each new parcel shall satisfy the minimum parcel size for the qualifying NRCS classification.

NRCS Classification [1]	Minimum Parcel Size	
	Irrigated[1]	Non-irrigated
Class I or II	20 acres[2]	N/A
Class III or IV	40 acres[3] (80 acres)[3]	160 acres
Class VI, VII or VIII	320 acres	320 acres

Notes:
1. Irrigated - as defined in the Agriculture and Open Space Element (Appendix G-8) using an installed production water source from underlying ground water basins, permitted, riparian or other appropriative water rights that would deliver adequate, reliable water.
2. Proposed parcels may be as small as 20 acres if planted and if all of the criteria in Subsection B.1.b. are met. If the criteria in Subsection B.1.b are not satisfied, a minimum parcel size of at least 40 acres shall be required.
3. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agriculture Preserve Rules of Procedure and the adopted Agriculture and Open Space Element of the general plan.

D. Size based on agricultural preserves. Where a legal lot of record in the Agriculture category is under Williamson Act agricultural preserve contract, the minimum parcel size is based on Subsections B and C, unless a larger minimum parcel size is specified in the terms of an existing Williamson Act agricultural preserve contract.

E. Declaration of restrictions required. For any land divisions in the Agriculture land use category, prior to or concurrent with recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein he agrees on behalf of himself and all successors in interest to the parcel that the property is within the Agriculture land use category and the county has adopted a "Right to Farm Ordinance" that protects agricultural operations. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.

[Amended 1986, Ord. 2250, 2290; 1992, Ord. 2553; 2004, Ord. 3036] *[22.04.024]*

22.22.050 - Rural Lands Category

The minimum parcel size for new lots in the Rural Lands category is based upon site features including: remoteness, fire hazard and response time, access and slope. Minimum parcel size is determined by applying the following tests to the site features as described in Subsections A. through D. The allowable minimum size is the ***largest area*** obtained from any of the tests, except as provided for cluster divisions by Section 22.22.140.

A. Remoteness test. The minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line. Such distance shall be measured on the shortest public road route between the reserve line and the site. Private roads shall be included in such measurements only when they provide the only access to the site from a public road. When a lot proposed for division is within the distances given from more than one reserve line, the smallest parcel size shall be used as the result of this test.

Distance (Road Miles)		Minimum Parcel Size
From Urban Reserve Line	From Village Reserve Line	
26+	16+	320 Acres
21-25	11-15	160 Acres
16-20	6-10	80 Acres
11-15	0-5	40 Acres
0-10	N.A.	20 Acres

B. Fire hazard/response time test. The minimum parcel size shall be based on the degree of fire hazard in the site vicinity, and the response time. Response time is the time necessary for a fire protection agency to receive the call, prepare personnel and fire equipment for response, dispatch appropriate equipment, and deliver the equipment and personnel to each proposed parcel from the nearest non-seasonal fire station. Fire hazard is defined by the Safety Element of the General Plan; response time is determined by the fire protection agency having jurisdiction.

Response Time (1)	Minimum Parcel Size	
	Moderate Hazard (2)	High Hazard (3)
15 Minutes or Less	20 Acres	20 Acres
More than 15 Minutes	20 Acres	160 Acres

Notes:
(1) Determined by applicable fire protection agency.
(2) As defined by the Safety Element.
(3) Includes the high and very high fire hazard areas of the Safety Element.

C. Access test.

1. **General access test rules.** The minimum parcel size is based upon the type of road access to the parcel proposed for division, provided that the proposed parcels will use the road considered in this test for access, either by way of individual or common driveways. Where access to a parcel is over roadways with differing quality of improvement, the minimum size is as required for the road with the least improvement.

2. **Timing of improvements and right-of-way availability.** If the improvements do not exist at the time of the subdivision application, the conditions of approval for the tentative map shall require the construction of access improvements which meet the minimum requirements specified by this Section. Additional right-of-way width may be required to allow for the construction of required improvements. The right-of-way required by the table in Subsection C.4 shall exist as either: (1) an offer to dedicate to the public or (2) as a private easement prior to acceptance of the tentative map application for processing. If the access is a private easement, it may be required to be offered for dedication to the public as a condition of approval of the tentative map.

3. **Conditions of approval for improvements and maintenance.** In the event that a land division application is approved, the extent of on-site and off-site road improvements required as a condition of approval, and acceptance of the new road for maintenance by the county may vary. This will depend on the parcel size proposed and the requirements of county standards and specifications in effect at the time the tentative map is approved. Paved roads will be required when:

   a. The access road is identified as a collector or arterial by the Circulation or Land Use Element; or

   b. The road will have the potential to serve 20 or more lots or the road will have the potential to experience a traffic volume of 100 or more average daily trips (ADT), based on the capability for future land divisions and development in the site vicinity as determined by the Land Use Element. In the event it is determined by staff that a road will serve 20 or more lots, or will experience 100 ADT or more, the basis for such a determination shall be explained in the staff report on the subdivision.

4. **Parcel size criteria.** Minimum parcel size based on the access test shall be determined as shown in the following table (an existing road which is improved to higher standards than those specified in the table will also satisfy the following criteria).

Minimum Parcel Size	Access Standards		
	Right-of-Way	**Surfacing**	**Maintenance**
320 Acres	Private easement (3)	Improved access (3)	Private maintenance
160 Acres	Private easement (3)	All weather road (2)	Private maintenance
80 Acres	Minimum 40 foot ROW to county road	All weather road (2)	Private maintenance
40 Acres	Minimum 40 foot ROW to county road	County standard gravel road (1)	Organized maintenance (2)
20 Acres	Minimum 40 foot ROW to county road	County standard gravel road (1)	Organized maintenance (2)

Notes:

(1) A County Standard Gravel Road is a road that satisfies or has been constructed to meet the specifications for a gravel road set forth in the county's "Standard Specifications and Drawings."

(2) An All-Weather Road is a road which can provide year-round access without interruption along a public road that has been established for or is utilized by the public. Organized maintenance is by an organized group of property owners through an association which collects fees and contracts for repairs.

(3) An improved access road is a road which is passable but may be subject to closure during certain times of the year. A private easement is a road that is not open to the public.

D. Slope test. Site slope shall be measured as defined in Article 8 (Definitions - Slope).

Average Slope	Minimum Parcel Size	
	Outside GSA	**Inside GSA (1)**
over 30%	80 acres	160 acres
0 - 30%	20 acres	80 acres

Notes:

(1) Geologic Study Area combining designation.

[Amended 1982, Ord. 2091; 1984, Ord. 2198; 1988, Ord. 2367; 1992, Ord. 2553; 1994, Ord. 2696] *[22.04.025]*

22.22.060 - Residential Rural Category

The minimum parcel size for new lots in the Residential Rural category is based upon site features including: Remoteness, fire hazard, fire response time, access and slope. Minimum parcel size is determined by applying the following tests to the site features as described in Subsections A. through D. The allowable minimum size is the ***largest area*** obtained from any of the tests, except as provided for cluster divisions by Section 22.22.140.

A. Remoteness test. The minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line, measured on the shortest public road route between the reserve line and the site. Private roads shall be included in the measurement only when they provide the only access to the site from a public road. When a lot proposed for division is within the distances given from more than one reserve line, the smallest parcel size shall be used as the result of this test.

Distance (Road Miles)		Minimum Parcel Size
From Urban Reserve Line	From Village Reserve Line	
10+	5+	20 acres
5-10	0-5	10 acres
0-5	N.A.	5 acres

B. Fire hazard/response time test. The minimum parcel size shall be based on the degree of fire hazard in the site vicinity, and the response time. Response time is the time necessary for a fire protection agency to receive the call, prepare personnel and fire equipment for response, dispatch appropriate equipment, and deliver the equipment and personnel to each proposed parcel from the nearest non-seasonal fire station. Fire hazard is defined by the Safety Element of the General Plan; response time is determined by the fire protection agency having jurisdiction.

Response Time (1)	Minimum Parcel Size	
	Moderate Hazard (2)	High Hazard (3)
15 Minutes or Less	5 acres	5 acres
More than 15 Minutes	10 acres	20 acres

Notes:
(1) Determined by applicable fire protection agency.
(2) As defined by the Safety Element.
(3) Includes the high and very high fire hazard areas of the Safety Element.

C. Access test.

1. **General access test rules.** The minimum parcel size is based upon the type of road access to the parcel proposed for division, provided that the proposed parcels will use the road considered in this test for access, either by way of individual or common driveways. Where access to a parcel is over roadways with differing quality of improvement, the minimum size is as required for the road with the least improvement.

2. **Timing of improvements and right-of-way availability.** If the improvements do not exist at the time of the subdivision application, the conditions of approval for the tentative map shall require the construction of access improvements which meet the minimum requirements specified by this Section. Additional right-of-way width may be required to allow for the construction of required improvements. The right-of-way required by the table in Subsection C.4 shall exist as either: (1) an offer to dedicate to the public or (2) as a private easement prior to acceptance of the tentative map application for processing. If the access is a private easement, it may be required to be offered for dedication to the public as a condition of approval of the tentative map.

3. **Conditions of approval for improvements and maintenance.** In the event that a land division application is approved, the extent of on-site and off-site road improvements required as a condition and approval, and acceptance of the new road for maintenance by the county may vary. This will depend on the parcel size proposed and the requirements of county standards and specifications in effect at the time the tentative map is approved. Paved roads will be required when:

   a. Parcels of less than five acres are proposed; the access road is identified as a collector or arterial by the Circulation or Land Use Element; or

   b. The road will have the potential to serve 20 or more lots or the road will have the potential to experience a traffic volume of 100 or more average daily trips (ADT), based on the capability for future land divisions and development in the site vicinity as determined by the Land Use Element. In the event it is determined by staff that a road will serve 20 or more lots, or will experience 100 ADT or more, the basis for such a determination shall be explained in the staff report on the subdivision.

4. **Parcel size criteria.** Minimum parcel size based on the access test shall be determined as shown in the following table (an existing road which is improved to higher standards than those specified in the table will also satisfy the following criteria).

Minimum Parcel Size	Access Standards		
	Right-of-Way	Surfacing	Maintenance
20 Acres	Minimum 40 foot ROW to county road	County standard gravel road (Note 1)	Organized maintenance (Note 2)
10 Acres	Minimum 40 foot ROW to county road	County standard gravel road (Note 1)	Organized or public maintenance (Note 2)
5 Acres	Minimum 40 foot ROW to county road	County standard gravel road (Note 1)	Organized or public maintenance (Note 2)

Notes:

(1) A County Standard Gravel Road is a road that satisfies or has been constructed to meet the specifications for a gravel road set forth in the county's "Standard Specifications and Drawings." Public maintenance means that the road is maintained by the state, county, or special district.

(2) Organized maintenance is by an organized group of property owners through an association which collects fees and contracts for repairs.

D. Slope test. Site slope shall be measured as defined in Article 8 (Definitions - Slope).

Average Slope	Minimum Parcel Size	
	Outside GSA	Inside GSA (1)
Over 30%	10 Acres	20 Acres
16-30%	7 Acres	10 Acres
0-15%	5 Acres	5 Acres

Notes:

(1) Geologic Study Area combining designation.

[Amended 1982, Ord. 2091; 1984, Ord. 2198; 1988, Ord. 2367; 1992, Ord. 2553; 1994, Ord. 2696] *[22.04.026]*

22.22.070 - Residential Suburban Category

The minimum size for new parcels in the Residential Suburban category is based upon the terrain of the proposed lots, and the type of water and sewage disposal facilities to be used. Minimum parcel size is determined by applying the tests of this Section to the features of the parcels to be created. The allowable minimum size is the ***largest area*** obtained from any of the tests, except as provided for cluster divisions by Section 22.22.140.

A. Slope test. Site slope shall be measured as defined in Article 8 (Definitions - Slope).

Average Slope	Minimum Parcel Size	
	Outside GSA	**Inside GSA (1)**
Over 30%	3 Acres	5 Acres
16-30%	2 Acres	2.5 Acres
0-15%	1 Acres	1 Acres

Notes:
(1) Geologic Study Area combining designation.

B. Water and sewer test. The minimum parcel size shall be based upon the type of water supply and sewage disposal facilities to serve the proposed parcels, as follows:

Water Supply	Minimum Parcel Size	
	Without Community Sewer	**With Community Sewer**
Individual well	2.5 Acres	1 Acre
Community water	1 Acre	1 Acre

[Amended 1992, Ord. 2553] *[22.04.027]*

22.22.080 - Residential Single-Family and Multi-Family Categories

The minimum parcel size is based upon the type of public road serving the property proposed for division, terrain features, and the type of sewage disposal facilities to be used for the parcels to be created. Minimum parcel size is determined by applying the three tests of this Section to the features of the parcels to be created. The allowable minimum size is the ***largest area*** obtained from any of the tests, except as provided by Subsection D. for condominium-type projects, and except for cluster divisions in compliance with Section 22.22.140. Community water service is a prerequisite to land division in the Residential Single-Family and Multi-Family categories in every case.

A. Lot access test. The lot size test considers both the type of public roadway providing vehicular access to the site and roads to be constructed with the land division. If more than one public street would serve a proposed parcel, this access standard shall be applied only to the street that actually provides vehicular access.

Road Type (1)	Minimum Parcel Size
Arterial	20,000 sf
Collector	10,000 sf
Local	6,000 sf

Notes:
(1) As identified by the Land Use Element (Part II).

B. Slope test. Site slope shall be measured as an average for each proposed parcel, as defined in Article 8 (Definitions - Slope).

Average Slope	Minimum Parcel Size	
	Outside GSA	Inside GSA (1)
Over 30%	20,000 Sq. Ft.	1 Acre
16-30%	8,500 Sq. Ft.	15,000 Sq. Ft.
0-15%	6,000 Sq. Ft.	6,000 Sq. Ft.

Notes:
1. Geologic Study Area combining designation.

C. Sewer test. The sewer test considers the type of sewage treatment facilities that will serve the proposed parcels.

Sewage Facility	Minimum Parcel Size
Community Sewer	6,000 Sq. Ft.
Septic Tank Leaching Capacity:	
0-5 Minutes/Inch	20,000 Sq. Ft.
5+ Minutes/Inch	1 Acre

D. Condominiums. A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and

2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

E. Condominium conversion. The standards in this Subsection apply to the conversion of an existing residential or nonresidential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership. All conversions shall comply with the California Subdivision Map Act and Title 21 of the County Code in addition to the standards of this Subsection.

1. Purpose and intent. The purpose of this section is to establish standards for the conversion of rental housing into condominiums that conform to the General Plan and Housing Element, maintain a supply of affordable housing units, retain some rental units, reduce the impact of such conversions on the tenants, facilitate resident ownership of the converted units, ensure that converted housing achieves a high standard of safety and quality, and inform the prospective buyers of the physical conditions of the structure.

2. Parcel sizes. As set forth in Subsection 22.22.080D.

3. Application contents. The Conditional Use Permit application required by Subsection D - Condominiums, shall include all information specified by Article 6 of this Title, in addition to the following:

a. Impact Report. A report shall be prepared and submitted with the application that describes: the number of households that will be displaced, the numbers of persons residing in all households, the age and income levels for all tenants, the rental rates and vacancy rate of all units for the previous three years, documentation of the community-wide number of rental units with similar rental rates, and the current rental vacancy rate for the urban or village area where the project is located. This information shall be used in the Relocation Plan required in subsection E.5.b.

b. Property Condition Report. A report shall be prepared by a structural or civil engineer and submitted with the application that contains: a detailed description of the physical condition of the roads, paving, buildings, structures, common areas, recreation features, landscape, utilities and infrastructure, an analysis of property and structural compliance with the current building, fire and land use codes, cost estimates for needed repairs and ongoing maintenance costs, and an estimate of the annual amount of homeowners' association fees.

c. Tenant Information Package. An information package shall be prepared and submitted with the application. Once the Tenant Information Package is determined by the Planning Director to be complete, the applicant shall provide verification that this package has been distributed to each tenant. The information package shall include the following notification and documents:

(1) The name and address of developer and/or property owner.

(2) A copy of the Impact Report and Property Condition Report that are submitted in compliance with subsections E.3.a and b.

(3) The approximate date that the units shall be vacated if the Conditional Use Permit and tentative map are approved.

(4) The tenant has the right to continue to rent his or her unit for at least 180 days after the date of approval of the Conditional Use Permit and tentative map.

(5) A general description of the relocation assistance to be provided pursuant to subsection E.5.

(6) The tenant has the right to terminate any long term rental lease or agreement that he or she may have with the manager or property owner.

(7) The approximate sales price of the tenant's unit.

(8) The tenant has an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.

(9) Protection from unjust eviction shall be provided to tenants who comply with their rental or lease agreements and with the written regulations of the rental property.

(10) Once the applicant has issued a notice of "intent to convert," a tenant's rent shall not be increased more than once annually, and such increase shall not exceed the rate of increase in the Consumer Price Index for the same period. Only rate increase terms covered by existing rental or lease agreements are exempt from this provision.

4. Special noticing requirements. The applicant shall provide evidence, to the satisfaction of the Planning Director, that each tenant has received or will receive each of the following notices and documents, in addition to the notice required by Section 22.70.060.

a. Notice of intent to convert. A notice of "intent to convert" at least 60 days prior to submittal of the Conditional Use Permit and tentative map application, pursuant to Government Code Section 66427.1. After the notice of "intent to convert" has been issued, the applicant shall inform any new and/or prospective tenants that the County has received the request for approval of a condominium conversion, or that the condominium conversion request has been granted. The format of this notice shall comply with Government Code Section 66452.8(b), or superseding code.

b. **Submittal notice.** A "submittal notice" issued within 10 days of the submittal of an application for a public report to the Department of Real Estate, pursuant to Government Code Section 66427.1. The notice shall indicate that the report will be available on request. No such notice is necessary if a public report is not required.

c. **Approval notice.** An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.

d. **Option to purchase.** An "option to purchase" notice that grants the tenant an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.

e. **Termination of tenancy.** A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Conditional Use Permit and tentative map to vacate his or her residential unit All relocation assistance to be provided, pursuant to Subsection E.5.a and b, shall be described. The said notice shall be delivered by U.S. mail to each tenant within 10 days of County approval of the Conditional Use Permit and tentative map.

5. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.

(1) **Affordable Housing:** Where the project consists of three (3) or more units, the applicant shall agree to rent or sell 25 percent of the total number of units to low or moderate income households, and a minimum of 50 percent of the affordable units shall be affordable to low income households. The sales prices, rental rates, terms and restrictions for the affordable units shall comply with Section 22.12.070. Existing project residents who are income qualified shall be given priority in acquiring the affordable units, and a lottery shall be used if necessary to determine unit possession. Any existing deed restricted affordable units shall remain in the project, and may be counted towards meeting the project's affordable housing requirements. The affordability period of the existing deed restricted units that are counted to meet the project's affordable housing requirements shall be extended to meet the affordability requirements of this project pursuant to Section 22.12.070. If the project is subject to the affordable housing requirements of other ordinances or agencies then the most restrictive requirements shall apply.

b. **Relocation assistance**. Applicant shall provide each displaced household with a relocation payment of a dollar amount equal to three months rent in the unit currently occupied by that household. Said relocation payment shall be paid at least 30 days before the household vacates its unit.

(1) Rent Subsidy. For displaced low income households, when the household moves into a comparable unit where the rent is higher than the rent for the unit that the household occupied in the conversion project then the applicant shall pay the difference for a period of one year from the date of relocation. If the Planning Director determines that no comparable unit is available then the applicant shall extend the household's rental agreement for one (1) year beyond the 180 day termination period, at a rental rate determined by the household's income level and Section 22.12.070.

A comparable unit is one that is decent, safe, sanitary, and in compliance with all local and state housing codes. A comparable unit has facilities that are equivalent to the household's existing dwelling unit with regards to the following features: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped or senior citizen; and e) willingness to accept families with children. A comparable unit is located in an area no less desirable than the household's existing unit with regards to accessibility to the following features: a) the tenant's place(s) of employment; b) community and commercial facilities; c) schools; and d) public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given.

(2) Relocation Plan. The Relocation Plan shall describe the affordable housing or relocation benefits that each tenant will received as a result of the conversion. All affordable housing unit sales, transfer of displaced tenants to new housing and execution of one-year lease agreements shall be completed prior to termination of tenancy of each displaced resident.

c. Property improvements. Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).

d. Compliance with codes. The property, plus all structures and improvements shall be in substantial conformance with building codes, fire codes, and the standards of the County Public Works. The property, plus all structures and improvements shall be inspected and approved by the Chief Building Official, the fire agency responsible for service, and County Public Works.

e. Compliance with land use standards. The condominium conversion shall comply with the development standards for new residential projects pursuant to the Land Use Ordinance and Land Use Element. This shall include the standards for unit density, setbacks, landscape and irrigation, fencing, parking and paving. All project elements shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety.

f. Warranty. Applicant shall provide a one-year warrantee free of charge to the homeowners' association for all project components which are owned or maintained by the association. The applicant shall guarantee the condition of common area items, including but not limited to roads, paving, drainage systems, landscaping, and recreational facilities. The applicant shall also guarantee the condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical, heating, ventilation, mechanical systems and utilities. All of these items shall be guaranteed to be in sound, usable condition for a period of one year from the date of the sale of the last individual unit sold.

g. Covenants, Conditions, and Restrictions. Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.

h. Property Condition Report. Applicant shall provide each prospective buyer with a copy of the Property Condition Report before the unit is sold.

6. Special findings for condominium conversion. A Conditional Use Permit for the conversion of an existing residential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership may be approved only after the Review Authority makes the following findings:

a. That the total number of residential rental units to be converted to condominium units in any calendar year does not exceed 25 percent of the number of multi-family rental dwellings that were built in the previous calendar year. The converted residential units are not required to be located in the same community as the newly constructed residential rental units.

b. That the proposed condominium conversion will not create a substantial loss of affordable rental housing stock in the community where the conversion project is located.

[Added 1981, Ord. 2063; Amended 1992, Ord. 2553; 1992, Ord. 2583; 2006, Ord. 3111] *[22.04.028]*

22.22.090 - Commercial and Office Categories

This Section establishes minimum parcel size standards for the Office and Professional, Commercial Retail and Commercial Service land use categories. The required area is based upon the availability of community services, as follows:

Type of Sewage Disposal System	Minimum Parcel Size	
	Community Water	Individual Well
Community Sewer	6,000 Sq. Ft.	1 Acre
Septic Tank Leaching Capacity:		
0-5 Minutes/Inch	20,000 Sq. Ft.	2.5 Acres
5+ Minutes/Inch	1 Acre	2.5 Acres

A commercial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, provided that the common ownership external parcel is in compliance with the provisions of this Section. [Amended 1992, 2583] *[22.04.020]*

22.22.100 - Industrial Category

The minimum parcel size in the Industrial category is based upon whether community water and/or sewer services are available to the site proposed for division.

Services and Location	Minimum Parcel Size
Outside urban or village reserve line	10 acres
On-site water and sewer	2.5 acres
Community water <u>or</u> sewer	1 acre
Community water <u>and</u> sewer	10,000 sf

An industrial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, provided that the common ownership external parcel is in compliance with the provisions of this Section. [Amended 1992, Ord. 2583] *[22.04.030]*

22.22.110 - Public Facilities Category

When a proposed land division in a Public Facilities land use category is for the purpose of continuing use as a Public Facility, the minimum parcel size may be 6,000 square feet or larger, as needed for the land use, in compliance with Section 66428 of the Subdivision Map Act. The minimum size of a division for the purpose of sale for private use shall be determined through Land Use Element amendment to designate an appropriate land use category for private use. *[22.04.031]*

22.22.120 - Recreation Category

The minimum parcel size shall be determined by the Review Authority through Conditional Use Permit approval (Section 22.62.060), unless a specific minimum parcel size is applied by a planning area standard or through approval of a Specific Plan per Government Code Section 65450 et seq. The purpose of Conditional Use Permit review shall evaluate the appropriateness of a land division request on the basis of the type of development proposed and the character of the site vicinity. The minimum parcel size shall be within the range specified for the recreation category by Table N in Framework for Planning, Part I of the Land Use Element is as follows:

Location or Development Type	Minimum Parcel Size Range
Outside Urban and Village Areas	20 acres to one acre
Inside Urban and Village Areas	20 acres to 6,000 square feet
Condominiums	Common ownership parcel within the above specified range

The size of the new lots within the range specified by the Land Use Element as consistent with the Recreation category, shall be based on the design of the proposed development, the services provided, and the character of surrounding land uses. [Amended 1992, Ord. 2553; 1992, Ord. 2583] *[22.04.032]*

22.22.130 - Open Space

The minimum parcel size shall be determined by the Review Authority through approval of a Conditional Use Permit as set forth in Section 22.62.060, unless a specific minimum parcel size is set by planning area standards (Article 9). [Amended 1992, Ord. 2583] *[22.04.033]*

22.22.140 - Cluster Division

At the option of the land division applicant, the minimum parcel sizes established by this Chapter for the Rural Lands, Recreation, Residential Rural, Residential Suburban and Residential Single-Family categories may be decreased as provided by this Section.

A. Permit requirement. Conditional Use Permit approval in compliance with Section 22.62.060 through a public hearing held as set forth in Section 22.70.060, to occur at the same time as approval of a tentative map. Conditional Use Permit approval shall include conditions specifying a phasing schedule for the recordation of a final tract or parcel map, where applicable, the installation of required improvements and a date for termination of the entitlement in the event the use is not established within the specified schedule.

B. Determining the number of parcels that can be clustered. The number of buildable lots allowed in a cluster division shall be determined through the use of the parcel size tests in Sections 22.22.050 et seq. applicable to the land use categories in which the site is located; provided that where a minimum parcel size for new land divisions is set by planning area standard, the number of lots to be clustered shall be determined by dividing the total site area by the minimum parcel size specified in the planning area standard. The actual size of the clustered lots shall then be determined by Subsection D.

C. Density increase bonus. The number of residential lots created by cluster division in the Residential Single-Family and Suburban categories within urban and village reserve lines may be increased from that resulting from application of the minimum parcel size standards of this Chapter by determining the allowed number of lots on the basis of gross density rather than net density, as follows:

1. **Residential single-family.** One unit per 6,000 square feet of gross site area.

2. **Residential suburban.** One unit per acre of gross site area.

The density bonus provided by this Section may be decreased by the Review Authority on the basis of specific site characteristics through the Conditional Use Permit approval, where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects.

D. Lot size and open area requirements. The minimum size of lots created through cluster division shall be as specified in the following table:

Land Use Category	Area of Buildable Lots (1)		
	Minimum (2)	Maximum (4)	Open Space Parcel Minimum Area (3)
Rural Lands	1 Acre	10 Acres	90%
Recreation	6,000 Sq. Ft.	None	90%
Residential Rural	20,000 Sq. Ft.	4 Acres	60%
Residential Suburban	10,000 Sq. Ft.	2.5 Acres	50%
Residential Single-Family	2,000 Sq. Ft.	6,000 Sq. Ft.	40%

Notes:

(1) Net area.

(2) A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only when the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.

(3) The minimum area is expressed as a percentage of the gross site area.

(4) Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.

E. Design standards.

1. Open space parcel required. A cluster division shall include at least one open space parcel. Such parcel may be used for one of the allowable residential units, provided that the building site does not exceed 6,000 square feet and is defined on the recorded map. Otherwise, the open space parcel shall not be developed with structural uses other than agriculture accessory buildings. The open space parcel may be used for any of the following: Crop production or range land; historic, archaeological, or wildlife preserves, water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use.

2. Guarantee of open space. The required open space parcel shall be maintained as open space as long as the clustered lots exist, or such other period designated through Conditional Use Permit approval. Such period shall be guaranteed by open space easement, or dedication of fee or partial fee title to a public or quasi-public agency.

3. Site design.

a. Site disturbance shall be minimized by clustering, road location along contours, and building site selection.

b. Access to off-site roads shall be controlled, with parcels having access from interior roads wherever feasible.

c. Development shall be designed to be consistent with the character of the immediate surrounding areas as designated in the Land Use Element.

4. Attached dwelling units. A cluster division in the Residential Single-Family category may incorporate attached dwelling units with not more than two units per structure where approved by the Review Authority.

[Amended 1984, Ord. 2163; 1992, Ord. 2583] *[22.04.036]*

22.22.150 - Agricultural Lands Clustering

It is the policy of the Board to encourage the preservation of agricultural lands in San Luis Obispo County for the continuing and enhanced production of food and fiber through the use of a variety of policy and regulatory techniques. One technique, provided by this Section, is the clustering of allowable dwelling units on relatively small parcels in agricultural areas instead of the dispersal of such units on larger parcels.

A. Purpose. The purpose of Sections 22.22.150, 22.22.152 and 22.22.154 is to establish a set of regulations which encourages clustering as an alternative to a conventional lot split where an agricultural land division is proposed consistent with Agriculture and Open Space Element and Section 22.22.040. Sections 22.22.152 and 22.22.154 contain two methods for the approval of an agricultural cluster subdivision, Major Agricultural Lands Clustering and Minor Agricultural Lands Clustering. In addition to complying with the standards set forth in this Section and Sections 22.22.152 and 22.22.154, proposed cluster land divisions shall be specifically evaluated for consistency with the policies of the Agriculture and Open Space Element as follows:

1. Major Agricultural Cluster Projects

a. Properties in the unincorporated areas of the county that are located outside the coastal zone, that are partly or entirely within five miles of a urban or village reserve lines, and that comply with the locational criteria in Sections 22.22.152 A. and B. can apply for a major agricultural cluster.

b. To encourage the use of clustering, the **maximum** number of residential parcels allowed in a major agricultural cluster project shall be equivalent to the number of primary dwellings normally allowed on the parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria in Section 22.22.040. Except, where Section 22.22.040B1b(4) limits the residential use, the number of parcels is instead based on two primary dwellings per parcel. A Major Agricultural Cluster project could result in a maximum parcel bonus of 100% over a conventional land division. Major Agricultural Cluster projects may be reduced down to 26 percent of the maximum potential allowance, if proposed by the applicant, in order to mitigate potential impacts of the project.

2. Minor Agricultural Cluster Projects

a. Properties throughout the unincorporated areas of the county that meet the locational criteria in Section 22.22.154 A , including the coastal zone, can apply for a minor agricultural cluster project.

b. The **maximum** number of residential parcels allowed in a Minor Agricultural Cluster project shall be equivalent to the number of parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria in Section 22.22.040, with an increase of at least one more parcel or up to a maximum 25 percent increase in the number of parcels that could be achieved with a conventional land division.

B. Applicable requirements. The following requirements apply to both Major and Minor Agricultural Cluster projects.

1. Eligibility of lands under Agricultural Preserve Contract. Lands in the Agriculture land use category under Williamson Act contract shall not be used as the location for clustered parcels; provided that where an ownership includes contiguous contracted and non-contracted lands, the number of parcels and dwelling units normally allowable under the terms of the Agricultural Preserve contract and the provisions of this Title may be clustered on the non-contracted lands within the same ownership in the Agriculture or Rural Lands land use categories in compliance with this Section.

2. Permit requirement. Conditional Use Permit approval pursuant to Section 22.62.060, shall occur at the same time as approval of a tentative map. Conditional Use Permit approval shall include conditions specifying a phasing schedule for the filing of a final tract or parcel map, where applicable, the installation of required improvements and a date for termination of the entitlement in the event the use is not established within the specified schedule.

3. Application content. In addition to the information required by Section 22.62.060, the Conditional Use Permit application for a cluster project shall also include a written explanation by the applicant of how the proposed project will satisfy all the required findings specified in Subsection B.5.

4. Environmental review. After acceptance of an application for cluster development pursuant to Section 22.60.050, an initial study on the project shall be prepared in compliance with the California Environmental Quality Act (CEQA) and the Environmental Review Process Guidelines. The initial study shall closely examine the potential impacts on the long-term protection of the agricultural, environmental and biological resources, as well as the availability of, and potential impacts on, resources such as water, traffic, air quality, schools and other public services and facilities. Whether or not an Environmental Impact Report must be prepared will be determined by the initial study.

5. Required findings. Approval of a Major or Minor Agricultural Cluster project shall not occur unless the Review Authority first makes all findings required by Section 22.62.060.C.4. and also finds that:

a. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.

b. The proposed project has been designed to:

(1) Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;

(2) Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;

(3) Avoid placement of roads or structures on any environmentally sensitive habitat areas;

(4) Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas;

(5) Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;

(6) Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.

c. The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.

d. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.

e. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

6. Access. Clustered developments in compliance with this Section shall be allowed only on ownerships with access to an existing paved, county or state maintained road.

(1) Ownership and maintenance of roads. Unless otherwise required by the Review Authority, all interior roads and utilities shall be privately-owned and maintained and the applicant shall demonstrate through conditions, covenants and restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project.

7. Site layout criteria. The design and development of a Major or Minor Agricultural Cluster project shall be consistent with the following standards:

a. No structural development shall occur on soils with a Natural Resources Conservation Service classification of I or II, except that agricultural accessory structures and agricultural processing uses may be allowed on sites up to 2.5 acres in size, subject to Minor Use Permit approval, where the applicant can demonstrate that no other suitable area is available for such uses and that the proposed uses are directly related to maintaining and enhancing on-site agricultural operations.

b. Residential building sites and access drives shall be located within the boundaries of the overall ownership with sufficient separation from exterior property lines in order that the Review Authority can find that the clustered development will not result in adverse impacts on off-site agricultural operations in the site vicinity consistent with agricultural buffer policies adopted by the Board.

c. Roads and building sites shall be located to minimize site disturbance and visibility from public roads.

d. Driveway access intersections with off-site roads shall be minimized.

8. Agricultural land/open space preservation.

a. Requirements for preservation. Clustered developments in compliance with this Section, and Sections 22.22.152 and 22.22.154 shall provide for the long-term preservation of portions of the site proposed to meet the open space requirements of Section 22.22.152D or 22.22.154D. All open space parcels shall be of a minimum size to qualify as a separate parcel consistent with Section 22.22.040 (Parcel Size - Agriculture Category). In addition, the parcel(s) shall qualify for a stand alone Williamson Act preserve and contract under the current county Rules of Procedure and must be covered by a permanent agricultural open space easement.

b. Areas included in open space. The open space area provided may include all areas in agricultural production (including directly related infrastructure such as roads and wells), but shall not include any portion of the proposed clustered residential parcels.

c. Structural uses allowed in defined open space areas. The area proposed for agricultural land and/or open space preservation is not to be developed with structural uses other than:

(1) A ranch/farm headquarters including up to two of the residential units allowed pursuant to Subsection B9, residential accessory structures and farm support housing, which may be approved or modified after the initial Conditional Use Permit approval through Minor Use Permit, provided that the building site does not exceed 2.5 acres.

(2) Areas set aside for the preservation of historic buildings identified by the Land Use Element, to be delineated on the recorded map.

(3) Agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber in the immediately surrounding area, which may be approved or modified after the initial Conditional Use Permit approval through Minor Use Permit, which shall not occupy an aggregate area of the site larger than five acres.

d. Nonstructural uses allowed in defined open space areas. The following nonstructural uses may be allowed in the open space areas: crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leachfield or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands, or other similar open space uses; and roads/turnarounds directly serving the agricultural use.

e. Guarantee of open space. The required open-space parcel(s) shall be maintained as open space as long as the clustered lots exist. This shall be guaranteed by either of the following methods:

(1) A recorded, permanent agricultural open-space easement granted to the county and placement in a stand alone Land Conservation Act (Williamson Act) preserve and contract in the Williamson Act Agricultural Preserve Program.

(2) Transfer of fee title free and clear of any liens, or dedication of a perpetual easement to a qualified public or private non-profit organization (as defined by the regulations of the Internal Revenue Service) created for the purposes of protecting and managing resources.

9. Number of dwellings. Residential units within a cluster project shall be limited to a ratio of one dwelling unit per clustered parcel, except that farm support housing may be authorized in addition to the units allowed by this Subsection through the approval of the overall project Conditional Use Permit, or subsequent Minor Use Permit approval, in compliance with the standards of Section 22.30.480.

10. Homeowners association. A homeowners association shall be formed and membership shall be mandatory for each home buyer and successive buyer if there are open space areas held in common by the homeowners. The homeowners association shall be responsible for the permanent maintenance of the open space areas held in common, if any, by the homeowners. An assessment system, or other form of subsidy shall be required to ensure compliance with this provision.

[Added 1984, Ord. 2195; Amended 1986, Ord. 2277; 1987, Ord. 2332; 1988, Ord. 2380; 1993, Ord. 2648; 2004, Ord. 3038; 2006, Ord. 3081] *[22.04.037]*

22.22.152 - Major Agricultural Cluster:

A. Eligible areas of the county. The use of clustering in the Agriculture or Rural Lands categories may be considered on ownerships that are in agricultural use at the time of application. Use of the provisions of this Section may occur only on properties that are partly or entirely within five (5) miles of the Urban Reserve Lines (URL's) of Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, Paso Robles, and Santa Maria and the Creston Village Reserve Line (VRL).

B. Excluded areas of the county. Properties located in the Arroyo Grande, Cienega and Oso Flaco valleys as identified by the San Luis Bay and South County Area Plans of the Land Use Element are excluded from such use. Sites entirely located beyond five miles from the urban and village reserve lines specified in Subsection A. above are not eligible for clustering pursuant to this Section.

C. Allowed number of parcels:

1. **Base parcel calculation.** The base parcel calculation shall be equivalent to the number of parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria specified in Section 22.22.040 (Parcel Size - Agriculture Category).

2. **Bonus parcel calculation**. The maximum number of residential parcels allowed in a Major Agricultural Custer project shall be equivalent to the number of base parcels calculated in compliance with Subsection C.1., with a parcel bonus of 100 percent.

D. Lot size and open area requirements. The minimum size of clustered residential parcels in a Major Agricultural Cluster project, and the area of the site required for open space preservation shall be as follows:

Clustered Residential Parcel Size[1]		Open Space Parcel Minimum Area[3]
Minimum[2]	Maximum[4]	
10,000 Sq. Ft.	2.5 Acres	95%

Notes:
(1) Net area.
(2) A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only where the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.
(3) The minimum area is expressed as a percentage of the gross site area.
(4) Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.

[Added 2004, Ord. 3038; Amended 2006, Ord. 3081]

22.22.154 - Minor Agricultural Cluster:

A. Eligible areas of the county. The use of clustering in the Agriculture or Rural Lands categories may be considered on ownerships that are in agricultural use at the time of application. Use of the provisions of this Section may occur on any property in the Agriculture or Rural Lands land use category.

B. Excluded areas of the county. Properties located in the Arroyo Grande, Cienega and Oso Flaco valleys as identified by the San Luis Bay and South County Area Plans are excluded from such use.

C. Allowed number of parcels:

1. **Base parcel calculation.** The base parcel calculation shall be equivalent to the number of parcels that would result from a conventional land division in the Agriculture land use category based on the minimum parcel size criteria specified in Section 22.22.040 (Parcel Size - Agriculture Category).

2. **Bonus Parcel Calculation.** The maximum number of residential parcels allowed in a Minor Agricultural Cluster project shall be equivalent to the number of base parcels calculated in compliance with Subsection C.1., with a parcel bonus of at least one additional parcel, up to a maximum of 25 percent.

D. Lot size and open area requirements. The minimum size of clustered residential parcels in a Minor Agricultural Cluster project, and the area of the site required for open space preservation shall be as follows:

Clustered Residential Parcel Size[1]		Open Space Parcel Minimum Area[3]
Minimum[2]	Maximum[4]	
20,000 Sq. Ft.	5 Acres	90%

Notes:
1. Net area.
2. A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only where the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.
3. The minimum area is expressed as a percentage of the gross site area.
4. Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.

[Added 2004, Ord. 3038]

CHAPTER 22.24 - TRANSFER OF DEVELOPMENT CREDITS

Sections:

22.24.010 - Voluntary Transfer of Development Credit Program
22.24.020 - Sending Site Application Content and Processing
22.24.030 - Sending Site Eligibility and Determination of Development Credits
22.24.040 - Bonus Credits
22.24.050 - Designation of sending site
22.24.060 - Receiving Site Application Content and Processing
22.24.070 - Receiving Site Eligibility and Determination of Bonus Development
22.24.080 - Location of Credits for Receiving Sites
22.24.090 - Designation of receiving site
22.24.100 - TDC Administrator
22.24.110 - Establishment and Duties of the TDC Review Committee

22.24.010 - Voluntary Transfer of Development Credit Program.

A. Purpose and intent. The provisions of this Chapter implement the voluntary Transfer of Development Credits Program (TDC) established by the Land Use Element for all applications received by the Department after October 5, 1999, by providing a procedure to allow the voluntary transfer of development credits from one parcel of land to another. Consistent with applicable Land Use Element goals, policies and programs, the objective of this section is to relocate development from environmentally sensitive land, land with agricultural capability or antiquated subdivisions, to more suitable areas. This program is ***voluntary, incentive-based, and market-driven between willing sellers and buyers***. Landowners are ***not obligated*** to use this technique to request an amendment to the general plan or subdivide property in conformance with Chapter 22.22.

Properties located within the South County Planning Area as defined by Part II of the Land Use Element are subject to Section 22.24.200.

B. Effect of the TDC program. A site from which development credits have been transferred is called the sending site, and has its development potential reduced or retired through recordation of a permanent conservation easement or other instrument. A site which receives development credits (the receiving site) may be developed with a higher density than would otherwise be allowed under the current land use category or as otherwise set through planning area standards.

Credits originating from a site in the unincorporated part of the county may be transferred to receiving sites within an incorporated city which has adopted plans or ordinances that enable such transfers.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034] *[22.04.500]*

22.24.020 - Sending Site Application Content and Processing.

A request for designation of a sending site, using the regulations set forth in Section 22.24.030, shall require the filing and processing of an application for sending site status in compliance with the following requirements:

A. Application content. In addition to meeting the application contents of Section 22.62.030 (Zoning Clearance), an applicant requesting status as a sending site shall provide at a minimum the following information:

1. Application form for sending site status.

2. Which specific or general criteria, in compliance with Sections 22.24.030.A.2, A.3, or A.4, are proposed for use in determining if the property qualifies as a sending site. If the property doesn't meet a specific criteria for qualification, provide a statement of how the property qualifies under the general criteria.

3. Information supporting the determination of the development value of the property, using one of the methods described in Section 22.24.030.B.3.

4. Two copies of a preliminary title report concerning the property, which is not more than six months old, showing current property owners.

B. Application processing. An application for sending site status shall be filed with the Department and shall be processed as follows:

1. Environmental determination. When a sending site application has been determined to contain adequate information to allow a determination by the Review Authority, it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA).

2. Review by the Planning Commission.

a. Where the determination on number of development credits is made in compliance with Section 22.24.030.B.1. or 2, the authority to take final action on a request for sending site status and assignment of development credits is assigned to the Planning Commission. Notice of public hearing shall be given as provided by Section 22.70.040. Decisions by the Commission on sending site status and assignment of development credits may be appealed in compliance with Section 22.70.050.

3. Notice of Eligibility. No sooner than 15 days after the Commission decision on sending site status (if no appeal has been filed), the Director shall prepare a written Notice of Eligibility. The Notice of Eligibility shall state the number of sending site credits assigned to the property and the method used for the assignment of those credits, including the applicable criteria and mathematical formula. The Notice of Eligibility shall be required prior to issuance of a sending site certificate by the TDC Administrator.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034] *[22.04.510]*

22.24.030 - Sending Site Eligibility and Determination of Development Credits.

The criteria of this section shall be used in determining if a property is eligible for sending site status. If a property meets the specific or general criteria used to determine sending site status, the property would then be eligible to have credits assigned. A designated receiving site that has been approved and the final map recorded, shall not be considered for sending site status. Credits are assigned only to individual legal lots. Lots that are previously encumbered or otherwise restricted to remove all development potential (e.g.: open space lots, etc.) are ineligible to become sending sites.

A. Eligibility criteria. The following criteria shall be used in the review of potential sending sites. The intent of these criteria is to limit the designation of sending sites to those properties that would protect a significant resource, land with agricultural capability or land within antiquated subdivisions. The specific criteria are provided to establish certainty in the designation process. Land may be considered for designation as sending sites if one or more of the specific criteria are met. The general criteria shall be used to determine if a site is eligible to become a sending site in cases where the site does not meet the specific criteria. Flexibility is necessary in the evaluation of individual sites to approve those sites that might not pass absolute criteria, but may still qualify as sending sites based on the general criteria which recognize the individual characteristics of that site.

1. Use of criteria. The criteria in Section 22.24.030.A.2, A.3, and A.4 shall be used to determine if a property is eligible to become a sending site as follows:

a. Specific criteria. Land that meets one of the specific criteria should be approved as a sending site unless the Review Authority determines that there are special circumstances that would undermine or negate the overall purpose described in the general criteria. This could include factual issues such as clouded legal title or other technical and non-resource related issues.

b. General criteria. The Review Authority may designate land as a sending site that does not meet the specific criteria, after reviewing the extent to which sending site designation would satisfy any of the general criteria. The Review Authority shall first find that designation as a sending site would satisfy the policy statement of the applicable general criteria and any or all of the general criteria listed.

2. Agricultural Criteria.

a. Specific criteria. The specific agricultural criteria are as follows:

(1) Land capability. At least 50 percent of the site must contain Class I or II (irrigated or non-irrigated) soils based on the Natural Resources Conservation Service classification, and the site must be at least 40 acres in size (this may include multiple lots under common ownership or contiguous lots under different ownership).

(2) Grazing. Grazing land with a demonstrated continuity of production of over 10 years and the site is a minimum of 320 acres with at least 100 acres of that land being well to moderately suited for rangeland as described in the Natural Resources Conservation Service soil reports. This may include multiple lots under common ownership that are operated as a single agricultural enterprise, or contiguous lots under different ownership.

b. General criteria. It is the policy of the county to designate sending sites that contain land with prime, unique or other productive soil, as well as make it possible for a family who would otherwise have to sell the land to retain the land and continue in active agriculture. The general agricultural criteria are as follows:

(1) Continue the demonstrated productive capacity of the land;

(2) Preserve an area with micro-climates that support specific agricultural crop types;

(3) Retire the development potential within an area that depends on localized limited groundwater resources; or

(4) Reduce the potential for erosion or support conservation of soil resources.

3. Natural resource criteria.

a. Specific criteria. The specific natural resource criteria are as follows:

(1) Natural area. The property is within a Natural Area or Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan and/or the Agriculture and Open Space Element of the General Plan.

(2) Open space. The property is adjacent to public or private land that is restricted to open space uses or would facilitate a future open space connection between existing public or private land that is restricted to open space uses.

(3) Viewsheds. The property would protect rural open space views from Highways such as 1, 41, 46, 58, 101, 166 and main collector streets as defined in the Area Plans (Part II of the Land Use Element).

b. General criteria. It is the policy of the county to designate sending sites that contain diverse and rich habitat for wildlife or contain scenic or other cultural resources (such as historical and archeological resources). The general natural resource criteria are as follows:

(1) Reduce erosion or support conservation of soil resources, or support the preservation of land essential to local watershed protection;

(2) Further the public policies of local communities (cities) and the county, such as the creation of greenbelts, community separators, scenic entries, managed growth on the fringe, and protection of shared natural resources; or

(3) Protect and make available to the public a natural resource or feature. Public access may be controlled and regulated and could include outdoor education, guided hiking, or passive recreation.

4. Antiquated subdivision criteria.

a. Specific criteria. The specific antiquated subdivision criteria are as follows:

(1) Sites located 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from an urban or village reserve line where the individual lot is smaller than 20 acres in size.

(2) Sites located 5 to 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from a urban or village reserve line where the lot is smaller than 10 acres in size.

(3) Sites located within an antiquated subdivision according to the map on file with the Department.

b. General criteria. It is the policy of the county to designate sending sites that would retire the development potential within antiquated subdivisions located distant from existing urban and village areas. The general antiquated subdivision criteria are as follows:

(1) Retire the development potential within an antiquated subdivision that contains substandard improvements; or

(2) Further air quality objectives and reduce the cost of future county services by retiring development potential on the property in areas that are distant from transportation services or other support services.

B. Determining development credits. If the Review Authority determines that a property qualifies as a sending site, this section shall be used to determine the number of development credits assigned to a legal lot. The applicant shall choose one of the following methods to determine the number of development credits.

For any sending site that has a Notice of Eligibility dated prior to November 18, 1999, whose Notice of Eligibility has expired and become void, a new application for designation of a sending site shall be submitted for review and approval. The method used for determining development credits and bonuses, and the criteria for determining sending site status shall be as specified in Ordinance No. 2777, adopted October 6, 1996.

1. Number of development credits. The number of credits assigned to a sending site shall be determined by one of the following methods:

a. Existing lots. The maximum number of primary single family residences allowed on the existing underlying legal lots. The number of legal lots will require verification from the County; or

b. **Development value.** Dividing the development value, as determined using the method described in Section 22.24.030.B.4, by 20,000.

2. **Minimum number of credits.** Where a property would not otherwise qualify for one full credit using Subsection B.1, the landowner may request one credit be allocated to the site. A property may qualify only where the sending site eligibility was based on the specific natural resource criteria as set forth in Subsection A.3. The site cannot qualify for more than one credit.

3. **Development value.** Where the applicant is requesting a determination of development credits based on Subsection B.1.b the following standards apply.

   a. **Full development potential.** A landowner who wishes to transfer the property in fee to a public agency or a non-profit organization will receive a determination based on the full value of the property. At the time of application, a landowner requesting a determination based on full development potential shall submit a letter of intent to accept title from the public agency or non-profit organization. The full value of the property shall be considered the development value of the property for the purpose of determining the number of credits under this section.

   b. **Partial development potential.** A landowner who wishes to retain ownership of the property, and retain certain allowed or special uses of that property in compliance with Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements), will receive a determination based on partial development potential of the property. The difference between the full value of the property and the restricted value of the property shall be considered the development value of the property for the purpose of determining the number of credits under this Section. The use of the property shall be limited in compliance with Section 22.24.050.A. The development value of the property should increase as a landowner relinquishes additional uses over those required under Section 22.24.050.A.1 and A.2.

4. **Determining development value.** The full or partial value of the development potential of the property shall be determined by having the property appraised using the self contained report format as defined by the Uniform Standards of the Professional Appraisal Practices as published by the Appraisers Standards Board of the Appraisal Foundation. The appraisal shall be valid for one year. Evidence shall be submitted with the appraisal to demonstrate that proper procedures and standards were followed for a self contained report and that under those standards the appraisal is valid. The appraisal shall be subject to an independent review by qualified individual selected by the county. The applicant shall fund all costs associated with the independent review.

   a. **Full development potential.** Where the applicant is requesting a determination based on the full development potential, the appraisal shall be for the full value of the property.

   b. **Partial development potential.** Where the applicant is requesting a determination based on partial development potential, the appraisal shall include an appraisal of the full value of the property and the restricted value of the property.

Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034] *[22.04.520]*

[22.04.530/22.24.040 - deleted 2004, Ord. 3034]

22.24.050 - Designation of sending site.

The following procedures shall be used to complete the sending site designation.

A. Guarantees of conservation. Credits cannot be officially recognized as attached to a legal parcel and available for purchase by a Receiver Site or other qualified individual until such time as a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act, is granted in perpetuity to a qualified public or private non-profit organization (as defined by the regulations of the Internal Revenue Service) created for the purposes of protecting and managing resources. A list of approved qualified organizations is on file at the Department. Non-profit organizations that are qualified to hold easements in compliance with this ordinance shall be subject to approval by the Director prior to inclusion on the list.

The grant of a conservation easement does not authorize the public or any member thereof any right of public access unless such is specifically set forth in the easement and agreed to by the property owner.

1. **Agricultural.** Where a property qualified as a sending site based on agricultural criteria, the property shall be restricted, at a minimum, to prohibit the following uses listed in Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements): caretakers residence, mobilehomes, residential accessory uses, residential care and single family swellings. Additional uses may be relinquished where the landowner wishes to receive a higher number of credits, as this should increase the development value of the property.

2. **Natural Resources/Antiquated Subdivisions**. Where a property qualified as a sending site based on natural resources or antiquated subdivision criteria, the property shall be restricted, at a minimum, to allow only the following uses in compliance with Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements): agricultural accessory structures, agricultural processing, animal raising and keeping, crop production and grazing, farm equipment and supplies, nursery specialties, specialized animal facilities, libraries and museums, membership organization facilities, schools -specialized education and training, farm support quarters, fisheries and game preserves, warehousing and wholesaling and distribution. These uses may also be relinquished where the landowner wishes to receive a higher number of credits, as this should increase the development value of the property.

3. **Recordation of easement.** After review and approval by the Department, the easement shall be recorded in the Office of the County Recorder by the Director upon payment by the applicant of the required recording fee. The easement shall be recorded within five years of the receipt of the Notice of Eligibility.

For sending sites that have a Notice of Eligibility, or a property wide Notice of Eligibility that other site specific Notices tier from, dated prior to February 16, 2000, the Notice shall expire ten years from the date of the Notice of Eligibility. This section acts to automatically extend those Notices of Eligibility dated prior to February 16, 2000 for a period of ten years from the date of the Notice of Eligibility, notwithstanding the effective date of this amendment.

If the easement has not been recorded within the time frame specified, the Notice of Eligibility shall expire and become void. Once an easement has been recorded that covers all property described in the Notice, the Notice of Eligibility shall become void.

B. Issuance of sending site certificate.

1. **Original certificate.** After recordation of the easement, a landowner shall request that the TDC Administrator issue the record owner of the property a Certificate of Sending Credits. Such Certificate shall only be assigned in the name of the record owner and only for the total number of credits assigned to the property. Each credit shall be given an individual unique registration number. This number shall never be repeated to describe any other credit.

2. **TDC Administrator review.** The TDC Administrator shall review the Notice of Eligibility for authenticity and the easement for county approval and recordation information. A Certificate shall only be issued where the Administrator finds that these conditions have been satisfied.

3. **Certification upon sale.** If the holder of a Sending Site Certificate sells credits, the holder shall record the transfer of these credits through the TDC Administrator. The TDC Administrator shall issue a Receipt of Transfer to the purchaser that specifies the registration number(s) of the credit(s) obtained. Concurrently with this action, the TDC Administrator shall permanently alter the Certificate of Sending Credits to reflect the transfer of the credits, by removing the registration number(s) of the credits transferred. In order for the TDC Administrator to record the transfer of credits, the holder of the Certificate of Sending Credits and the individual to whom the credits are being transferred, shall provide to the TDC Administrator the following:

   a. A copy of the recorded documents that describe the terms and conditions of the sale. All documents related to the sale of the credits shall be recorded in the Office of the County Recorder; and

   b. Evidence that the credits are to be used to record a final or parcel map that was conditioned to require the use of TDCs or on an approved receiving site within an incorporated city. Such evidence shall consist of the adopted and signed resolution or other declaration of approval from the Review Authority or incorporated city with the findings and conditions affixed thereto; or

c. Evidence that the credits are being transferred to a non-profit organization. Such evidence shall consist of a copy of the letter from the Internal Revenue Service verifying the organization is a valid tax-exempt charity under Internal Revenue Code section 501(c)(3).

4. Receipt of Transfer. If the holder of a Receipt of Transfer wishes to sell or otherwise transfer the Receipt to a subsequent owner, the holder shall record the transfer through the TDC Administrator. The TDC Administration shall issue a new Receipt of Transfer to the purchaser that specifies the registration number(s) of the credit(s). Concurrently with this action, the TDC Administrator shall permanently revoke the original Receipt of Transfer. In order for the TDC Administrator to transfer a Receipt of Transfer to another party the following information shall be provided to the TDC Administrator:

a. A copy of the recorded documents that describe the terms and conditions of the sale or transfer. All documents related to the sale of the credits shall be recorded in the Office of the County Recorder; and

b. Evidence that the credits are to be used to record a final or parcel map that was conditioned to require the use of TDCs or on an approved receiving site within an incorporated city. Such evidence shall consist of the adopted and signed resolution or other declaration of approval from the Review Authority or incorporated city with the findings and conditions affixed thereto; or

c. Evidence that the credits are being transferred to a non-profit organization. Such evidence shall consist of a copy of the letter from the Internal Revenue Service verifying the organization is a valid tax-exempt charity under Internal Revenue Code section 501(c)(3).

C. General Plan. When a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act has been recorded, the county will amend the general plan to designate the site in the TDC Sending Site Combining Designation (TDCS).

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034] *[22.04.540]*

22.24.060 - Receiving Site Application Content and Processing.

A request for designation of a receiving site in the county, using the regulations set forth in Section 22.24.070, shall require the filing and processing of an application for receiving site status in compliance with the following requirements:

A. Application content. In addition to meeting the application contents of Sections 21.02.044, 046, 048 of Title 21 for a tentative map, an applicant requesting status as a receiving site shall provide the following information:

1. Statements, maps or other information necessary to show how the property meets the criteria used for determining if the property qualifies as a receiving site as set forth in Section 22.24.070A.

2. Supporting information for the issuance of a density bonus in compliance with Section 22.24.070B.

3. Information regarding the location and availability of sending credits within the designated region as set forth in Section 22.24.080 for the proposed receiving site.

4. Evidence that the required notice was provided in compliance with Subsection B.3.

B. Application processing. A determination on whether the property would qualify as a receiver site shall be determined as follows:

1. Determination with tentative map approval. A determination on the suitability of the site to receive credits shall be accomplished concurrently with the processing of a tentative map. The Review Authority shall use the criteria as set forth in Section 22.24.070.A. to determine if the site is eligible to be receiving site. The process shall be the same as would otherwise be required for the processing of the tentative map except that notice of the neighboring property owners in compliance with Subsection B.3. shall occur in addition to the required public hearing notice.

2. Notification of property owners. The applicant shall submit evidence that the neighboring property owners were notified of the request to become a receiving site <u>prior</u> to submission of a request for a tentative map. This notice shall be provided by the applicant sending a letter using the form provided by the Department. The letter shall be mailed or delivered at least 10 days prior to application submittal to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the subject site.

[Added 1996, Ord. 2776; Amended 2004, Ord. 3034] *[22.04.550]*

22.24.070 - Receiving Site Eligibility and Determination of Bonus Development.

The criteria of this section shall be used in determining if a property is eligible for receiving site status. If the property meets all the criteria used to determine receiving site status, the property would then be eligible to qualify for bonus density. Bonus density may be added to the base density as set forth in Section 22.24.070.B.

A. Eligibility criteria. The following criteria shall be used in the review of potential receiving sites. Credits are assigned only to individual legal lots. Land may be considered for designation as receiving sites only when **all** of the following describe the site that is requesting receiver status.

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.

2. The site is not in the Agriculture land use category.

3. The site is within an urban or village reserve line or within 5 miles of an urban reserve line.

4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.

5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.

6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.

7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.

8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

B. Amount of bonus. There are two sets of criteria used to determine the amount of a bonus granted on a receiver site. The bonus granted is an increase over the allowable base density.

1. Determining base density. Base density is the maximum number of lots that may be allowable on a given site under the County Code. Establishing the base density is necessary to determine the amount of the bonus that may be granted. Base density as determined under this Section does not affect the provisions of the County Code for review of proposed land divisions, including approval of such land divisions at a density equal to this base density.

The base density for a site is equal to the minimum parcel size required by Chapter 22.22 for the particular category or where planning area standards (Article 9) establish minimum parcel size requirements different from the provisions of Chapter 22.22, the planning area standards for minimum parcel size shall control and determine the base density.

2. Determining allowable density with bonus. If the site meets the criteria for receiving site status, the site may qualify for a bonus as follows. All measurements shall use the straight line method as defined in Article 8 (Distance- Measurement). Where a site is within an incorporated city's urban or village reserve line, but outside of the city limit line, the bonuses shown to apply within an urban or village line shall be granted only where the density increase would be consistent with adopted city policies, programs or standards, and where the city supports the location of the sending credits. Support of the project shall be in the form of a letter received from the affected city.

a. Within an urban or village reserve line or within 2.5 miles of such reserve lines: a bonus may be granted up to 50 percent of the base density, except within the California Valley village reserve line, which shall not be eligible for bonus density in compliance with this section.

b. 2.5 to 5 miles from an urban or village reserve line: a bonus may be granted up to 35 percent of the base density, except within the California Valley village reserve line, which shall not be eligible for bonus density in compliance with this section.

c. Outside of 5 miles from an urban or village reserve line: a bonus shall not be granted.

d. Other sites. Sites that meet the locational criteria listed in Subsections B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A, but which would not otherwise qualify for a division (the property size is already at or below the lowest minimum parcel size allowed by that land use category), may be granted a bonus of not more than one additional lot. The parcels after division shall not be less than the lowest minimum parcel size in the applicable land use category; except that 20 acre parcels in the Rural Lands land use category may request to be considered for division using this provision where surrounding parcels are generally less than 20 acres in size.

3. **Additional receiving site bonus.** In addition to the density bonus set forth in Subsection B.2, where the receiving site project offers special permanent amenities in excess of the basic requirements as determined by the Review Authority (e.g. cluster subdivision design, trails, coastal access, open space, significant public parkland, telecommuting work centers, design features such as community focal points (squares, greens, plazas) and transit accessibility, etc.), and is located within, or within 2.5 miles of, an urban or village reserve line, an additional bonus of up to 25 percent of the base density may be granted to the receiving site.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034; 2006, Ord. 3095] *[22.04.560]*

22.24.080 - Source of Transferred Credits for Receiving Sites.

A proposed project on a site that meets the criteria for receiving site status shall use credits from sending sites located within a five mile radius of the receiving site, as measured using the straight line method as defined in Article 8 (Distance - measurement). If insufficient credits are available within a five mile radius from the subject receiving site, credits shall be used from other sending sites in the same geographical region as the receiving site as follows, except as needed to accommodate the existing Coordinated Agriculture Stewardship Program (CASP) in the Arroyo Grande and Cienega Valleys. In that case credits may be transferred between the areas described in both Subsections D. and F. :

A. North County. Receiving sites located within the Nacimiento, Adelaida, Salinas River, and El Pomar-Estrella planning areas shall use credits from sending sites within any of those planning areas.

B. North Coast. Receiving sites located within the North Coast and Estero planning areas shall use credits from sending sites within any of those planning areas.

C. Central County. Receiving sites located within the San Luis Obispo and San Luis Bay (Inland) planning areas shall use credits from sending sites within any of those planning areas.

D. South County. Receiving sites located within the South County (Inland) planning area shall use credits from sending sites within that planning area.

E. East County. Receiving sites located within the Las Pilitas, Los Padres and Shandon-Carrizo planning areas shall use credits from sending sites within any of those planning areas.

F. South Coast. Receiving sites located within the South County (Coastal) and San Luis Bay (Coastal) planning areas shall use credits from sending sites within any of those planning areas.

G. Huasna. Receiving sites located within the Huasna planning area shall use credits from sending sites within that planning area.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883; 2004, Ord. 3034] *[22.04.570]*

22.24.090 - Designation of Receiving Site.

The following procedures shall be used to complete the receiving site designation.

A. Use of credits. Prior to recordation of the final or parcel map, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.080. The Director shall notify the TDC Administrator of the release and specify the registration number(s) of the credits that were used. After release, the credits are no longer valid and available for use.

B. Additional map sheet. The final or parcel map shall include a clear and legible note placed on an additional map sheet in compliance with Section 21.06.020(a)(3) of Title 21. The note shall state that the approval of the land division included the use of TDCs, the number of credits used and their registration number(s), and the location and assessor parcel number of the sending site.

C. General Plan. Receiving sites that have received sending site credits shall be placed in the TDC Receiving Site Combining Designation (TDCR) by general plan amendment initiated by the county.

[Added 1996, Ord. 2776; Amended 2004, Ord. 3034] *[22.04.580]*

22.24.100 - TDC Administrator.

The TDC Administrator is the individual, organization or corporation identified and approved by the County that issues, monitors and maintains records of Certificates of Sending Credits and Receipts of Transfer. The TDC Administrator may charge a fee for these services.

A. Appointment of TDC Administrator. The TDC Administrator shall be the Director or designee. The Board may choose to appoint a TDC Administrator outside of the staff of the Department. This appointment shall be by resolution of the Board of Supervisors. The performance of the TDC Administrator will be evaluated from time to time. The Board of Supervisors may choose to modify the procedures for issuance, monitoring and record keeping of Certificate of Sending Credits or Receipts of Transfer as deemed necessary. The Board of Supervisors may also choose to replace the TDC Administrator.

B. Annual review. The TDC Administrator shall comply with all provisions of Sections 22.24.010 et seq.. Annually, the TDC Administrator shall provide the Board of Supervisors with a full accounting of all transactions that occurred within the preceding calendar year.

C. Report review. The Board of Supervisors shall annually review a report from the TDC Administrator and the Department regarding the operation of the TDC program. This report shall be considered on the Board's agenda. The report will be available to all interested parties, including community advisory groups. The Commission shall be provided a copy of the report which may be considered on their consent agenda.

[Added 1996, Ord. 2776; 2004, Ord. 3034] *[22.04.600]*
[22.04.620/22.24.110 - deleted 2004, Ord. 3034]

22.24.200 - South County Community Based Program

A. Purpose and Intent. This section implements the South County Community Based Voluntary Transfer of Development Credits Program established by the Land Use Element, by providing a procedure to allow the voluntary transfer of development credits from one parcel of land to another. Consistent with applicable Land Use Element goals, policies and programs, the objective of this section is to relocate development from environmentally sensitive land, land with agricultural capability or antiquated subdivisions, to more suitable areas. This program is voluntary, incentive-based, and market-driven between willing sellers and buyers. Landowners are not obligated to use this technique to request an amendment to the general plan or subdivide property in conformance with Chapter 22.22.

B. Where allowed. The following standards apply only to properties in the South County Planning Area (Inland) as defined by Part II of the Land Use Element.

C. Applicable Standards. Sending and Receiving Sites shall comply with Sections 22.24.010 et seq.

D. Eligible purchasers of TDC's. Receiving Sites approved after July 1, 2002 shall only purchase credits from any valid non-profit corporation organized for conservation purposes approved by the Board of Supervisors, except as provided in Subsection D.1. If no valid non-profit corporation exists, credits shall be transferred as set forth in Sections 22.24.010 et seq.

1. Sending sites approved prior to July 1, 2002, may elect to work directly with an approved Receiver Site instead of selling approved credits to a valid non-profit corporation organized for conservation purposes approved by the Board of Supervisors. This provision is effective for five years from August 10, 2004.

[Added 2004, Ord. 3034]

CHAPTER 22.26 - TRANSFER OF DEVELOPMENT CREDITS - PRIOR PROGRAM

Sections:

22.26.010 - Transfer of Development Credit Program
22.26.020 - Sending Site Application Content and Processing
22.26.030 - Sending Site Eligibility and Determination of Development Credits
22.26.040 - Bonus Credits
22.26.050 - Designation of sending site
22.26.060 - Receiving Site Application Content and Processing
22.26.070 - Receiving Site Eligibility and Determination of Bonus Development
22.26.080 - Location of Credits for Receiving Sites
22.26.090 - Designation of receiving site
22.26.100 - TDC Administrator
22.26.110 - Establishment and Duties of the TDC Review Committee

22.26.010 - Transfer of Development Credit Program.

A. Purpose and intent. The provisions of this Chapter implement the Transfer of Development Credits Program (TDC) established by the Land Use Element, for all applications received by the Department on or before October 5, 1999 by providing a procedure to allow the transfer of development credits from one parcel of land to another. Consistent with applicable Land Use Element goals, policies and programs, the objective is to relocate development from environmentally sensitive land, land with agricultural capability or antiquated subdivisions, to more suitable areas. This program is voluntary, incentive-based, and market-driven between willing sellers and buyers. Landowners are not obligated to use this technique to request an amendment to the General Plan or subdivide property in compliance with Chapter 22.22.

B. Effect of TDC program. A site from which development credits have been transferred is called the sending site, and has its development potential reduced or retired through recordation of a permanent conservation easement or other instrument. A site which receives development credits (the receiving site) may be developed with a higher density than would otherwise be allowed under the current land use category or as otherwise set through planning area standards (Article 9).

Credits originating from a site in the unincorporated part of the county may be transferred to receiving sites within an incorporated city which has adopted plans or ordinances that enable such transfers.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.600]*

22.26.020 - Sending Site Application Content and Processing

A request for designation of a sending site, using the regulations set forth in Section 22.26.030, shall require the filing and processing of an application for sending site status in compliance with the following requirements:

A. Application content. In addition to meeting the application contents of Section 22.62.030 (Zoning Clearance), an applicant requesting status as a sending site shall provide at a minimum the following information:

1. Application form for sending site status.

2. Which specific or general criteria, in compliance with Sections 22.26.030.A.2, A.3, A.4, are proposed for use in determining if the property qualifies as a sending site. If the property doesn't meet a specific criteria for qualification, provide a statement of how the property qualifies under the general criteria.

3. Supporting information for the issuance of bonus credits in compliance with Section 22.26.040.

4. Information supporting the determination of the development value of the property, using either method described in Section 22.26.030.B.3.

5. Two copies of a preliminary title report concerning the property, which is not more than six months old, showing current property owners.

B. Application processing. An application for sending site status shall be filed with the Department and shall be processed as follows:

1. Environmental determination. When a sending site application has been determined to contain adequate information to allow a determination by the Review Authority, it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA).

2. Review by the TDC Review Committee. The authority to take final action on a request for sending site status and assignment of bonus credits as set forth in Sections 22.26.030 and 22.26.040, is assigned to the TDC Review Committee. Notice of public hearing shall be given as provided by Section 22.70.060. Decisions by the TDC Review Committee on sending site status and bonus credits should occur within six months of the date the application was found to contain adequate information for a determination. Decisions by the TDC Review Committee on sending site status and bonus credit assignment may be appealed in compliance with Section 22.70.050.

3. **Notice of Eligibility.** No sooner than 15 days after the TDC Review Committee decision on sending site status (if no appeal has been filed), the Director shall prepare a written Notice of Eligibility. The Notice of Eligibility shall state the number of sending site credits assigned to the property and the method used for the assignment of those credits, including the applicable criteria and mathematical formula. The Notice of Eligibility shall be required prior to issuance of a sending site certificate by the TDC Administrator.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.610]*

22.26.030 - Sending Site Eligibility and Determination of Development Credits

The criteria shall be used in determining if a property is eligible for sending site status. If a property meets the specific or general criteria used to determine sending site status, the property would then be eligible to have base credits assigned. Base credits are the minimum number of credits that could be assigned to the property. Bonus credits may be added to the base credits through the process set forth in Section 22.26.040. Credits are assigned only to individual legal lots. Lots that are previously encumbered or otherwise restricted to remove all development potential (e.g., open space lots, etc.) are ineligible to become sending sites.

A. **Eligibility criteria.** The following criteria shall be used in the review of potential sending sites. The intent of these criteria is to limit the designation of sending sites to those properties that would protect a significant resource, land with agricultural capability or land within antiquated subdivisions. The specific criteria are provided to establish certainty in the designation process. Land may be considered for designation as sending sites if one or more of the specific criteria are met. The general criteria shall be used to determine if a site is eligible to become a sending site in cases where the site does not meet the specific criteria. Flexibility is necessary in the evaluation of individual sites to approve those sites that might not pass absolute criteria, but may still qualify as sending sites based on the general criteria which recognize the individual characteristics of that site.

1. **Use of criteria.** The criteria in Section 22.26.030A.2, A.3, and A.4 shall be used to determine if a property is eligible to become a sending site as follows:

a. **Specific criteria.** Land that meets one of the specific criteria should be approved as a sending site unless the Review Authority determines that there are special circumstances that would undermine or negate the overall purpose described in the general criteria. This could include factual issues such as clouded legal title or other technical and non-resource related issues.

b. **General criteria.** The Review Authority may designate land as a sending site that does not meet the specific criteria, after reviewing the extent to which sending site designation would satisfy any of the general criteria. The Review Authority shall first find that designation as a sending site would satisfy the policy statement of the applicable general criteria and any or all of the general criteria listed.

2. Agricultural criteria.

a. Specific criteria. The specific agricultural criteria are as follows:

(1) Land capability. At least 50 percent of the site must contain Class I or II (irrigated or non-irrigated) soils based on the Natural Resources Conservation Service classification, and the site must be at least 40 acres in size (this may include multiple lots under common ownership or contiguous lots under different ownership).

(2) Grazing. Grazing land with a demonstrated continuity of production of over 10 years and the site is a minimum of 320 acres with at least 100 acres of that land being well to moderately suited for rangeland as described in the Natural Resources Conservation Service soil reports. This may include multiple lots under common ownership that are operated as a single agricultural enterprise, or contiguous lots under different ownership.

b. General criteria. It is the policy of the County to designate sending sites that contain land with prime, unique or other productive soil, as well as make it possible for a family who would otherwise have to sell the land to retain the land and continue in active agriculture. The general agricultural criteria are as follows:

(1) Continue the demonstrated productive capacity of the land;

(2) Preserve an area with micro-climates that support specific agricultural crop types;

(3) Retire the development potential within an area that depends on localized limited groundwater resources; or

(4) Reduce the potential for erosion or support conservation of soil resources.

3. Natural resource criteria.

a. Specific criteria. The specific natural resource criteria are as follows:

(1) Natural area. The property is within a Natural Area or Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan or subsequent revisions to or incorporation of said document into the General Plan.

(2) Open space. The property is adjacent to public or private land that is restricted to open space uses or would facilitate a future open space connection between existing public or private land that is restricted to open space uses.

(3) Viewsheds. The property would protect rural open space views from Highways such as 1, 41, 46, 58, 101, 166 and main collector streets as defined in Article 9.

b. General criteria. It is the policy of the County to designate sending sites that contain diverse and rich habitat for wildlife or contain scenic or other cultural resources (such as historical and archeological resources). The general natural resource criteria are as follows:

(1) Reduce erosion or support conservation of soil resources, or support the preservation of land essential to local watershed protection;

(2) Further the public policies of local communities (cities) and the county, such as the creation of greenbelts, community separators, scenic entries, managed growth on the fringe, and protection of shared natural resources; or

(3) Protect and make available to the public a natural resource or feature. Public access may be controlled and regulated and could include outdoor education, guided hiking, or passive recreation.

4. Antiquated subdivision criteria.

a. Specific criteria. The specific antiquated subdivision criteria are as follows:

(1) Sites located 10 miles or more (as measured using the straight line method as defined in Article 8 (Distance - measurement)) from an urban or village reserve line where the individual lot is smaller than 20 acres in size.

(2) Sites located 5 to 10 miles or more (as measured using the straight line method as defined in Article 8 (Distance - measurement)) from a urban or village reserve line where the lot is smaller than 10 acres in size.

(3) Sites located within an antiquated subdivision according to the map on file with the Department.

b. General criteria. It is the policy of the County to designate sending sites that would retire the development potential within antiquated subdivisions located distant from existing urban and village areas. The general antiquated subdivision criteria are as follows:

(1) Retire the development potential within an antiquated subdivision that contains substandard improvements; or

(2) Further air quality objectives and reduce the cost of future county services by retiring development potential on the property in areas that are distant from transportation services or other support services.

B. Determining development credits. If the Review Authority determines that a property qualifies as a sending site, this Section shall be used to determine the number of development credits assigned to a legal lot. These development credits are considered the "base credits" assigned to a site. A landowner who wishes to transfer the property in fee to a public agency or a non-profit organization will receive a determination based on the full value of the property. At the time of application, a landowner requesting a determination based on full development potential shall submit a letter of intent to accept title from the public agency or non-profit organization. A landowner who wishes to retain ownership of the property, and retain certain permitted or conditional uses of that property in compliance with Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements), will receive a determination based on partial development potential of the property. The number of development credits assigned to a site, using the partial development potential, is based on the value of the development that will no longer be permitted on the site. The use of the property shall be limited in compliance with Section 22.26.050.A.

1. Number of development credits. The number of base credits assigned to a sending site shall be determined by dividing the development value, as determined using either method described in Subsection B.3, by 10,000.

a. Full development potential. Where the applicant is requesting a determination based on the full development potential, the full value of the property shall be considered the development value of the property for the purpose of determining the number of credits under this Section.

b. Partial development potential. Where the applicant is requesting a determination based on partial development potential, the difference between the full value of the property and the restricted value of the property shall be considered the development value of the property for the purpose of determining the number of credits under this Section. The development value of the property should increase as a landowner relinquishes additional uses over those required under Section 22.26.050.A.1 and A.2.

2. Minimum number of credits. Where a property would not otherwise qualify for one full credit using the formula in Subsection B.1, the landowner may request one credit be allocated to the site. A property may qualify only where the sending site eligibility was based on the specific natural resource criteria as set forth in Subsection A.3 and the bonus credit criteria as specified in Sections 22.26.040.A.1, A.2, or A.3, or 22.26.040.B. The site cannot qualify for more than one credit.

3. Determining development value. The full or partial value of the development potential of the property can be determined using one of the following two methods. The appraisal method is the most accurate way of determining the actual development value of the property. The assessed value method will frequently not be accurate as an appraisal and may not provide the landowner with the maximum number of credits that could be allowed by this Section.

a. **Appraisal.** A landowner may choose to have the property appraised. An appraisal shall be completed based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraisers Standards Board of the Appraisal Foundation and shall be valid for one year. Evidence shall be submitted with the appraisal to demonstrate that proper procedures and standards were followed and that under those standards the appraisal is valid. The appraisal shall be subject to an independent review by qualified individual selected by the County. The applicant shall fund all costs associated with the independent review.

   (1) **Full development potential.** Where the applicant is requesting a determination based on the full development potential, the appraisal shall be for the full value of the property.

   (2) **Partial development potential.** Where the applicant is requesting a determination based on partial development potential, the appraisal shall include an appraisal of the full value of the property and the restricted value of the property.

b. **Assessed value.** Where a property has been re-assessed or has changed ownership within the last two years, a landowner may choose to use the assessed value of the property as determined under the latest equalized assessment roll. The assessed value method will not generate as accurate of a value as an appraisal and may not provide the landowner with the maximum number of credits that could be allowed by this Section.

   (1) **Full development potential.** Where the applicant is requesting a determination based on the full development potential, the assessment shall be for the full value of the property.

   (2) **Partial development potential.** Where the applicant is requesting a determination based on partial development potential, the assessed value shall be the full value of the property and the restricted value of the property shall be determined by dividing the assessed value in half.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.620]*

22.26.040 - Bonus Credits

A site that is eligible for sending site status may qualify for bonus credits based on either existing documentation or special study criteria. Existing documentation criteria are based on information on file with the Department, or obvious natural features on the site. Special study criteria require documentation provided by an expert in the field of the specific discipline. The special study criteria allow landowners who believe they deserve a bonus the opportunity of submitting technical data to support their position. Bonus credits are available to land that qualified as an agricultural or natural resource sending site. Antiquated subdivision sending sites (established using the criteria set forth in Section 22.26.030.A.4) do not qualify for a bonus under this Section.

A. Existing documentation criteria.

1. **Combining Designation.** The property is within an Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, Historic (H), or Very High Fire Hazard Area as defined by the Land Use Element.

2. **Riparian habitat.** The property contains or is adjacent to a river, or blue-line stream as shown on the USGS map, that has some established riparian vegetation.

3. **Natural resource of state or national significance.** The property contains a natural resource identified by the state or federal government as important or significant in achieving state or national resource protection goals.

4. **Acreage.** The sending site contains at least 1,000 acres (this may include multiple lots under common ownership or contiguous lots under different ownerships).

B. Special study criteria.

1. **Rare or endangered species.** The property contains significant habitat for rare or endangered plants or animal species.

2. **Habitat protection.** The property provides a large natural area (other than riparian) that has the potential for serving as habitat for the protection of any plant or animal species.

3. **Woodlands.** The property has oak woodlands of a size and configuration to support long-term oak woodland regeneration.

4. **Wetlands.** The property contains a wetland.

5. **Groundwater.** The property is within an exceptional natural groundwater recharge area.

C. Amount of bonus. The amount of the bonus shall be based on the number of criteria listed in Subsections A. and B. the property satisfies. A 10 percent bonus shall be granted for each criteria satisfied, to a maximum of 50 percent increase over the base credits.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.530]*

22.26.050 - Designation of Sending Site

The following procedures shall be used to complete the sending site designation.

A. Guarantees of conservation. Credits cannot be officially recognized as attached to a legal parcel and available for purchase by a Receiver Site or other qualified individual until such time as a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act, is granted in perpetuity to a qualified public or private non-profit organization (as defined by the regulations of the Internal Revenue Service) created for the purposes of protecting and managing resources. A list of approved qualified

organizations is on file at the Department. Non-profit organizations that are qualified to hold easements in compliance with this ordinance shall be subject to approval by the Director prior to inclusion on the list.

1. **Agricultural.** Where a property qualified as a sending site based on agricultural criteria *and* did not request or receive bonus credits of any kind, the property shall be restricted, at a minimum, to prohibit the following uses listed in Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements): caretakers residence, mobile homes, residential accessory uses, residential care and single family dwellings. Additional uses may be relinquished where the landowner wishes to receive a higher number of credits, as this should increase the development value of the property.

2. **Natural resources/antiquated subdivisions.** Where a property qualified as a sending site based on natural resources or antiquated subdivision criteria, *or* where a landowner requested and received bonus credits of any kind, the property shall be restricted, at a minimum, to allow only the following uses in compliance with Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements), and as may be further limited by this Title: agricultural accessory structures, agricultural processing, animal raising and keeping, crop production and grazing, farm equipment and supplies, nursery specialties, specialized animal facilities, libraries and museums, membership organization facilities, schools - specialized education and training, farm support quarters, fisheries and game preserves, warehousing and wholesaling and distribution. These uses may also be relinquished where the landowner wishes to receive a higher number of credits, as this should increase the development value of the property.

3. **Bonus credits.** Where bonus credits were granted, the easement shall address the resources for which bonus credits were provided. Additional uses and land management practices may be restricted in order to meet this standard.

4. **Recordation of easement.** After review and approval by the Department, the easement shall be recorded in the Office of the County Recorder by the Director upon payment by the applicant of the required recording fee. The easement shall be recorded within two years of the receipt of the Notice of Eligibility. If the easement has not been recorded within the time frame specified, the Notice of Eligibility shall expire and become void.

B. Issuance of sending site certificate.

1. **Original certificate.** After recordation of the easement, a landowner shall request that the TDC Administrator issue the record owner of the property a Certificate of Sending Credits. The Certificate shall only be assigned in the name of the record owner and only for the total number of credits assigned to the property. Each credit shall be given an individual unique registration number. This number shall never be repeated to describe any other credit.

2. **TDC Administrator review.** The TDC Administrator shall review the Notice of Eligibility for authenticity and the easement for county approval and recordation information. A Certificate shall only be issued where the Administrator finds that these conditions have been satisfied.

3. **Certification upon sale.** If the holder of a Sending Site Certificate sells credits, the holder shall record the transfer of these credits through the TDC Administrator. The TDC Administrator shall issue a Receipt of Transfer to the purchaser that specifies the registration number(s) of the credit(s) obtained. Concurrently with this action, the TDC Administrator shall permanently alter the Certificate of Sending Credits to reflect the transfer of the credits, by removing the registration number(s) of the credits transferred. In order for the TDC Administrator to record the transfer of credits, the holder of the Certificate of Sending Credits and the individual to whom the credits are being transferred, shall provide to the TDC Administrator the following:

   a. A copy of the recorded documents that describe the terms and conditions of the sale. All documents related to the sale of the credits shall be recorded in the Office of the County Recorder; and

   b. Evidence that the credits are to be used to record a final or parcel map that was conditioned to require the use of TDCs or on an approved receiving site within an incorporated city. Such evidence shall consist of the adopted and signed resolution or other declaration of approval from the Review Authority or incorporated city with the findings and conditions affixed thereto; or

   c. Evidence that the credits are being transferred to a non-profit organization. Such evidence shall consist of a copy of the letter from the Internal Revenue Service verifying the organization is a valid tax-exempt charity under Internal Revenue Code section 501(c)(3).

4. **Receipt of Transfer.** If the holder of a Receipt of Transfer wishes to sell or otherwise transfer the Receipt to a subsequent owner, the holder shall record the transfer through the TDC Administrator. The TDC Administration shall issue a new Receipt of Transfer to the purchaser that specifies the registration number(s) of the credit(s). Concurrently with this action, the TDC Administrator shall permanently revoke the original Receipt of Transfer. In order for the TDC Administrator to transfer a Receipt of Transfer to another party the following information shall be provided to the TDC Administrator:

   a. A copy of the recorded documents that describe the terms and conditions of the sale or transfer. All documents related to the sale of the credits shall be recorded in the Office of the County Recorder; and

   b. Evidence that the credits are to be used to record a final or parcel map that was conditioned to require the use of TDCs or on an approved receiving site within an incorporated city. Such evidence shall consist of the adopted and signed resolution or other declaration of approval from the Review Authority or incorporated city with the findings and conditions affixed thereto; or

   c. Evidence that the credits are being transferred to a non-profit organization. Such evidence shall consist of a copy of the letter from the Internal Revenue Service verifying the organization is a valid tax-exempt charity under Internal Revenue Code section 501(c)(3).

C. General Plan. When a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act has been recorded, the County will amend the General Plan to designate the site in the TDC Sending Site Combining Designation (TDCS) within one year after the easement has been recorded.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.640]*

22.26.060 - Receiving Site Application Content and Processing

A request for designation of a receiving site in the county, using the regulations set forth in Section 22.26.560, shall require the filing and processing of an application for receiving site status in compliance with the following requirements:

A. Application content.

1. Preliminary determination. In addition to meeting the application contents of Section 22.62.030 (Zoning Clearance), an applicant requesting status as a receiving site shall provide the following information:

a. Application form for receiving site status.

b. Statements, maps or other information necessary to show how the property meets the criteria used for determining if the property qualifies as a receiving site as set forth in Section 22.26.070.A.

c. Supporting information for the issuance of a density bonus in compliance with Section 22.26.070.B.

d. Information regarding the location and availability of sending credits within the designated geographical region as set forth in Section 22.26.080 for the proposed receiving site.

e. Evidence that the required notice was provided in compliance with Section 22.26.060.B.3.

2. Determination with tentative map approval. In addition to meeting the application contents of Sections 21.02.044, 046, 048 of Title 21 for a tentative map, an applicant requesting status as a receiving site shall provide the following information:

a. Statements, maps or other information necessary to show how the property meets the criteria used for determining if the property qualifies as a receiving site as set forth in Section 22.26.070.A.

b. Supporting information for the issuance of a density bonus in compliance with Section 22.26.070.B.

c. Information regarding the location and availability of sending credits within the designated region as set forth in Section 22.26.080 for the proposed receiving site.

d. Evidence of that the required notice was provided in compliance with Section 22.26.060.B.3.

B. Application processing. A determination on whether the property would qualify as a receiver site shall be determined using the methods described in Subsections A.1 or A.2 as follows:

1. Preliminary determination. The authority to make a preliminary determination on the suitability of the site to receive credits using the criteria as set forth in Section 22.26.070.A, is assigned to the TDC Review Committee. This shall occur only after notification of the neighboring property owners in compliance with Subsection B.3. Preliminary determinations should occur within six months of the date the application was found to contain adequate information for a determination. If the TDC Review Committee determines the property qualifies as a receiver site, the landowner may file a tentative map at some future date that includes the additional lots as would be allowed under Section 22.26.070.B. The determination of receiver site status using this method does not guarantee the additional lots will be approved upon completion of the tentative map. Nothing in this Section is to be construed as having any effect on a land division request that either includes or does not include a request for additional density based on TDCs.

2. Determination with Tentative Map approval. A determination on the suitability of the site to receive credits may be accomplished concurrently with the processing of a tentative map. The Review Authority shall use the criteria as set forth in Section 22.26.070.A to determine if the site is eligible to be receiving site. The process shall be the same as would otherwise be required for the processing of the tentative map except that notice of the neighboring property owners in compliance with Subsection B.3 shall occur in addition to the required public hearing notice.

3. Notification of property owners. The applicant shall submit evidence that the neighboring property owners were notified of the request to become a receiving site <u>prior</u> to submission of a request for preliminary determination or a concurrent tentative map. This notice shall be provided by the applicant sending a letter using the form provided by the Department. The letter shall be mailed or delivered at least 10 days prior to application submittal to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the subject site.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.550]*

22.26.070 - Receiving Site Eligibility and Determination of Bonus Development

The criteria shall be used in determining if a property is eligible for receiving site status. If the property meets all the criteria used to determine receiving site status, the property would then be eligible to qualify for bonus density. Bonus density may be added to the base density as set forth in Section 22.26.070.B.

A. Eligibility criteria. The following criteria shall be used in the review of potential receiving sites. Credits are assigned only to individual legal lots. Land may be considered for designation as receiving sites only when ***all*** of the following describe the site that is requesting receiver status.

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.

2. The site is not within an Agricultural Preserve.

3. The site is within 10 miles of an urban reserve line.

4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.

5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.

6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the General Plan.

7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the County Code.

B. Amount of bonus. There are two sets of criteria used to determine the amount of a bonus granted on a receiver site. The bonus granted is an increase over the allowable base density.

1. Determining base density. Base density is the maximum number of lots that may be allowable on a given site under the County Code. Establishing the base density is necessary to determine the amount of the bonus that may be granted. Base density as determined under this Section does not affect the provisions of the County Code for review of proposed land divisions, including approval of such land divisions at a density equal to this base density.

The base density for a site is equal to the minimum parcel size required by Chapter 22.22 for the particular category or where planning area standards of the Land Use Element establish minimum parcel size requirements different from the provisions of Chapter 22.22, the planning area standards for minimum parcel size shall control and determine the base density.

2. **Determining allowable density with bonus.** If the site meets the criteria for receiving site status, the site may qualify for a bonus as follows. Where a site is within an incorporated city's urban or village reserve line, but outside of the city limit line, the bonuses shown to apply within an urban or village line shall be granted only where the density increase would be consistent with adopted city policies, programs or standards, and where the city supports the location of the sending credits. Support of the project shall be in the form of a letter received from the affected city.

   a. **Within an urban reserve line:** where the site is served by community water and sewer, a bonus may be granted up to 75 percent of the base density. Where the site is served by community water, a bonus may be granted up to 65 percent of the base density.

   b. **Within a village reserve line:** a bonus may be granted up to 50 percent of the base density, except within the California Valley village reserve line, which shall not be eligible for bonus density in compliance with this Section.

   c. **Outside of urban and village reserve lines:** a bonus may be granted as shown in the following table:

Distance (1)	Bonus Density (4)		
0 to 5 miles from an urban reserve line (2)	Up to 50 percent of the base density	**OR**	The minimum parcel size permitted in the applicable land use category
0 to 5 miles from an village reserve line (3)	Up to 35 percent of the base density		
5 to 10 miles from an urban reserve line	Up to 35 percent of the base density		

Notes:
(1) As measured using the straight line method as defined in Article 8 (Distance - measurement).
(2) Includes the Santa Maria urban reserve line.
(3) Excluding the California Valley village reserve line.
(4) Where more than one bonus applies, the amount of the bonus is the single largest obtained from the calculations.

d. Other sites. Sites that meet the locational criteria listed above in Subsections B.2.a through B.2.c, but which would not otherwise qualify for a division (the property size is already at or below the lowest minimum parcel size allowed by that land use category), may be granted a bonus of not more than one additional lot.

3. Determining the amount of additional bonus. In addition to the density bonus set forth in Subsection B.2, a receiver site may qualify for an additional bonus as follows, provided that the additional bonus in combination with the bonus from Subsection B.2 shall not exceed 100 percent of the base density.

a. Sending site. Where the sending site providing credits is determined by the Review Authority to be a significant natural resource, an additional bonus of up to 25 percent of the base density may be granted to the receiver site.

b. Receiver site project. Where the receiving site project offers special permanent amenities in excess of the basic requirements as determined by the Review Authority (e.g. trails, coastal access, open space, significant public parkland, telecommuting work centers, design features such as community focal points (squares, greens, plazas) and transit accessibility, etc.), an additional bonus of up to 25 percent of the base density may be granted to the receiving site.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.660]*

22.26.080 - Source of Transferred Credits For Receiving Sites

A project proposed on a site that meets the criteria for receiving site status shall use credits from sending sites located within a three mile radius of the receiving site, as measured using the straight line method as defined in Article 8 (Distance - measurement). If insufficient credits are available within a three mile radius from the subject receiving site, credits shall be used from other sending sites in the same geographical region as the receiving site as follows:

A. North County. Receiving sites located within the Nacimiento, Adelaida, Salinas River, and El Pomar-Estrella planning areas shall use credits from sending sites within any of those planning areas.

B. North Coast. Receiving sites located within the North Coast and Estero planning areas shall use credits from sending sites within any of those planning areas.

C. Central County. Receiving sites located within the San Luis Obispo, San Luis Bay (Inland) and the northern portion of the San Luis Bay (Coastal) planning areas shall use credits from sending sites within any of those planning areas or portions referenced. The northern portion of the San Luis Bay (Coastal) planning area is defined as those portions of the planning area lying north of Pomeroy Street in the city of Pismo Beach.

D. South County. Receiving sites located within the South County (Inland and Coastal), Huasna and the southern portion of the San Luis Bay (Coastal) planning areas shall use credits from sending sites within any of those planning areas or portions referenced. The southern portion of the San Luis Bay (Coastal) planning area is defined as those portions of the planning area lying south of Pomeroy Street in the City of Pismo Beach.

E. East County. Receiving sites located within the Las Pilitas, Los Padres and Shandon-Carrizo planning areas shall use credits from sending sites within any of those planning areas.

Where a planning area standard (Article 9) requires the use of transferred credits, and the standard does not specify a sending site location, credits shall be used within the same geographical region (as set forth in Subsections A. through E.) as the receiving site.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.670]*

22.26.090 - Designation of Receiving Site

The following procedures shall be used to complete the receiving site designation.

A. Use of credits. Prior to recordation of the final or parcel map, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.26.080. The Director shall notify the TDC Administrator of the release and specify the registration number(s) of the credits that were used. After release, the credits are no longer valid and available for use.

B. Additional map sheet. The final or parcel map shall include a clear and legible note placed on an additional map sheet in compliance with Section 21.06.020(a)(3) of Title 21. The note shall state that the approval of the land division included the use of TDCs, the number of credits used and their registration number(s), and the location and assessor parcel number of the sending site.

C. General Plan. Receiving sites that have received sending site credits shall be placed in the TDC Receiving Site Combining Designation (TDCR) by General Plan amendment initiated by the County within one year of recordation of the final or parcel map.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.680]*

22.26.100 - TDC Administrator

The TDC Administrator is the individual, organization or corporation identified and approved by the County that issues, monitors and maintains records of Certificates of Sending Credits and Receipts of Transfer. The TDC Administrator may charge a fee for these services.

A. Appointment of TDC Administrator. Appointment of a TDC Administrator shall be by resolution of the Board. The performance of the TDC Administrator will be evaluated from time to time. The Board may choose to modify the procedures for issuance, monitoring and record keeping of Certificate of Sending Credits or Receipts of Transfer as deemed necessary. The Board may also choose to replace the TDC Administrator.

B. Annual review. The TDC Administrator shall comply with all provisions of this Chapter. Failure to follow the requirements of these sections shall be reason for immediate replacement. Within one month of the end of a calendar year, the TDC Administrator shall provide the Board with a full accounting of all transactions that occurred within the preceding calendar year. Failure to provide this report shall be reason for immediate replacement.

C. Report review. The Board shall annually review a report from the TDC Administrator and the Department regarding the operation of the TDC program. This report shall be considered on the Board's agenda. The report will be available to all interested parties, including community advisory groups. The Commission shall be provided a copy of the report which may be considered on their consent agenda.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.700]*

22.26.110 - Establishment and Duties of the TDC Review Committee.

A. Establishment of the TDC Review Committee. The TDC Review Committee is hereby established and created. The TDC Review Committee consists of eight members appointed by the Board, with each member serving a two-year term. The TDC Review Committee shall have one member from each of the following organizations, agencies or professions:

1. The International Society of Appraisers or a California State Certified Appraiser;

2. A firm established for the purpose of real estate development or the representation of development interests;

3. Individuals with recognized expertise in production agriculture, and who currently operate or have recently operated an existing agricultural enterprise.

4. Individuals with recognized expertise in geology or soils science (including chemistry and morphology);

5. Individuals with recognized expertise in the natural sciences (biology, hydrology, forestry or natural resources management);

6. A local, state or federal organization created for the purpose of conservation of natural or cultural resources;

7. The Agricultural Commissioner or designee; and

8. The Director or designee.

B. Duties of the TDC Review Committee. The TDC Review Committee is delegated the authority to approve or disapprove sending site applications, including determining whether a site qualifies as a sending site and the number of bonus credits that may be assigned to the site. The TDC Review Committee shall also review and make preliminary determinations, in compliance with Section 22.26.060.B.1, for potential receiving sites.

[Added 1996, Ord. 2776; Amended 1999, Ord. 2883] *[22.04.710]*

ARTICLE 4

Standards for Specific Land Uses

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CHAPTER 22.30 - STANDARDS FOR SPECIFIC LAND USES

22.30.010 - Purpose

This Chapter establishes supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all other standards of this Title are met. It is the intent of this Chapter to establish appropriate standards for the location, design, and operation of special uses and, where necessary, permit requirements, to avoid their creating unanticipated problems or hazards, and to ensure these uses will be consistent with the General Plan. *[22.08.010]*

22.30.020 - Applicability of Standards for Special Uses

The standards provided by this Chapter are related to the special characteristics of the uses discussed and unless otherwise noted, apply to developments **in addition to** all other applicable standards of this Title. Any land use subject to this Chapter shall comply with the provisions of this Chapter for the duration of the use.

A. Where allowed. The land uses regulated by this Chapter are allowed only where noted by Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements).

B. Permit requirements. The land uses regulated by this Chapter shall comply with the land use permit requirements of Article 2 (Allowable Land Uses and Permit Requirements) unless otherwise specified in this Chapter, or unless other permit requirements are set by Article 9 (Community Planning Standards), or combining designation standards (Chapter 22.14).

C. Conflicts with other provisions. In cases where the provisions of this Chapter conflict with other applicable requirements of this Title, the following rules apply:

1. If the standards of this Chapter conflict with the provisions of Articles 2, 3, 5, or 6, these standards shall control;

2. If a use is subject to more than one section of this Chapter, the most restrictive standard shall control;

3. Where planning area standards in Article 9 conflict with the provisions of this Chapter, the planning area standards shall control.

D. Exceptions to special use standards. The standards of this Chapter may be waived or modified through Conditional Use Permit approval, except where otherwise provided by this Chapter and except for standards relating to residential density or limitations on the duration of a use (unless specific provisions of this Chapter allow their modification). Waiver of modification of standards shall be granted only where the Commission first makes findings that:

1. Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective;

2. Identify the specific standards of this Chapter being waived or modified;

3. The project, including the proposed modifications to the standards of this Chapter, will satisfy all mandatory findings required for Conditional Use Permit approval by Section 22.62.060.C.4.

In no case, however, shall any standard of this Chapter be reduced beyond the minimum standards of the other chapters of this Title, except through Variance (Section 22.62.070).

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553] *[22.08.012]*

22.30.030 - Accessory Uses

Accessory uses are customarily incidental, related and subordinate to the main use of a lot or building and do not alter or change the character of the main use. With the exception of dwellings in the Agriculture category (Section 22.30.480), an accessory use as defined in this Chapter shall not be established unless a principal use has first been established on the site in compliance with all applicable provisions of this Title. An accessory structure shall not be constructed until after construction of a main building has been commenced.

[Amended 1992, Ord. 2539] *[22.08.022]*

22.30.040 - Accessory Storage

Where the principal building or use on a site is other than storage, and storage accessory to that use is also located on the site, the accessory storage is subject to the following standards (see also Section 22.30.560, Storage Yards). A land use permit is not required to establish accessory storage except when this Section requires a permit for a specific type of storage, or the storage involves construction of a new structure or alteration of an existing structure.

A. Building materials and equipment. Building materials and equipment being used in a construction project on the same or adjacent site may be stored on or adjacent to the construction site as long as a valid building permit is in effect for construction on the premises. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the land use permit application for the project is to also describe the storage site. Temporary storage of construction materials on a site not adjacent to the construction is subject to Section 22.30.620 (Temporary Off-Site Construction Yards).

B. Commercial vehicles. This Subsection applies to the accessory storage and incidental parking of vehicles and/or self-propelled equipment used for shipping, delivery of freight and products or other purposes in support of a business. Storage means parking a vehicle longer than two consecutive nights. The storage of vehicles as a principal use is subject to the standards of Section 22.30.630 (Vehicle Storage).

1. Within a residential area, commercial vehicles other than a standard passenger car, pickup truck or van less than 20 feet in length, shall not be stored or parked for any time longer than necessary for a pickup or delivery at the site, except:

    a. Moving vans may be parked for a single night at a site in a residential area where the contents of a dwelling are being moved; and

    b. Within the Residential Rural or Rural Lands land use categories on sites with a gross area of five acres or more, one licensed commercial vehicle unit that is more than 20 feet in length may be stored.

2. Commercial vehicles stored in the Commercial Retail land use category shall be in an enclosed building, screened parking or loading area, except as provided in Subsections B.4.

3. Commercial or agricultural vehicles may be stored in the Commercial Service and Industrial categories without regulation other than the standards of Chapter 22.18 (Parking).

4. Agricultural vehicles may be stored outdoors in Commercial, Recreational and Residential categories when agricultural activities occur on site, and only within the buildable area of a site with a gross area of five acres or more. (This requirement does not apply to farm vehicle dealerships.) The storage of agricultural vehicles in the Agriculture and Rural Lands categories is unrestricted.

C. Non-commercial and inoperative vehicles. The storage or keeping of operative non-commercial and inoperative vehicles is subject to the following, in addition to Chapter 8.24 of the County Code (Inoperative Vehicles). Storage means parking a vehicle longer than two consecutive nights. Nothing in this Title shall be construed as preventing the abatement of an inoperative vehicle which is found to be a nuisance in compliance with Chapter 8.24.

1. **Vehicles under commercial repair.** The repair of vehicles is allowed only in the Commercial or Industrial land use categories as provided by Section 22.06.030 (Allowable Land Uses and Permit Requirements) except for repair of a personal vehicle by the vehicle owner, on a site owned or rented by the vehicle owner. The storage of inoperative vehicles in a Commercial or Industrial category for the purposes of repair, alteration, painting, impoundment or temporary storage by a towing service is subject to Section 22.30.120 (Automobile Repair or Services).

2. **Wrecked and abandoned vehicle dismantling or storage.** Any area greater than 300 square feet used for the dismantling of inoperative vehicles, or for the storage of wrecked or abandoned vehicles not being dismantled or repaired, is subject to Section 22.30.380 (Recycling and Scrap).

3. **Automobiles stored accessory to a residential use.** The storage of operative or inoperative vehicles accessory to a residential use for the purposes of maintaining a personal collection, or for personal repair, alteration, restoration or painting for hobby or other personal use is limited to two vehicles when stored outdoors, with a maximum storage area of 300 square feet. Such storage may be located only where it is not visible from the public street. Storage of such vehicles within an approved accessory building (Section 22.30.410.C) is not subject to limitation on the number of vehicles.

D. Fuel and explosives. See Section 22.10.160 (Toxic and Hazardous Materials).

E. Recreational vehicles and RV equipment. The accessory storage of recreational vehicles (RV's) or dependent trailers, RV equipment (camper shells, etc.) airplanes, boats, or parts of such vehicles is subject to the following standards (the storage of such vehicles as a principal or commercial use is subject to Section 22.30.630 (Vehicle Storage); the storage of mobile homes is subject to Section 22.30.450.G):

1. **Number of vehicles allowed.** The number of RVs that may be stored accessory to a residential use is as follows:

   a. **Residential, Office, Commercial, Recreation and Industrial categories.** One self-propelled highway vehicle (e.g. a motorhome or camper) or one trailer or other dependent vehicle may be stored outdoors on a site. There is no limitation on the number of RVs, RV equipment or other vehicles listed in this Subsection when stored within a closed building.

   b. **Agriculture, Rural Lands and Residential Rural categories.** No more than 10 RV's may be stored when such vehicles are the personal property of residents of the site.

2. **Location of storage.** Recreational vehicles are not to be stored in the required front setback area, except for one self-propelled highway vehicle in the driveway. (Vehicles on public streets are regulated by Section 15.64.010 (Time Limits) of the County Code.)

3. **Use.** Stored vehicles shall be solely for the personal use of the property owner or residents of the site intended for accessory storage. Recreational vehicles shall not be used for living, sleeping or housekeeping purposes when stored on a residential lot, or in any location not approved for such use.

4. **Residential project group storage.** Planned development, mobile home park or multi-family residential projects may provide an area residents to store their RVs. The storage area shall either be authorized as part of the overall project approval, or through the same type of permit required for the overall project if the storage area is in addition to a previously-approved project. These storage areas shall include no more than one storage space per residential unit in the project and shall comply with the site design standards of Section 22.30.440.D. These storage areas shall not be made available to or used by persons who do not reside in the residential project.

F. Stockpiled materials, scrap and junk. The storage of miscellaneous materials (including building materials), articles, equipment, scrap or junk in support of ongoing work and projects or accessory to another use is subject to the following requirements. The storage of scrap and junk as a principal use is subject to the standards of Section 22.30.380 (Recycling and Scrap).

1. Area occupied by stored materials. Stored materials shall be limited to the following maximum area, based upon the area of the site. These area limitations do not apply to materials stored entirely within a single building.

Parcel Area	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to 1 acre	500 sq. ft.
One acre or larger	1,000 sq. ft.

Stored materials may occupy an area larger than allowed by this Subsection if the method of storage complies instead with the provisions of Section 22.30.560 (Storage Yards) and the site is within a land use category where storage yards are allowable.

2. Maximum height of materials stored outdoors: Five feet.

3. Fencing required. The accessory storage outdoors of scrap, junk or miscellaneous materials in compliance with this Section shall be enclosed within a six-foot high solid wood or masonry fence. This requirement may be waived through adjustment (Section 22.70.030) where the Director determines that the proposed storage area is not visible from the public road or any adjoining parcel, and that the size of the storage area is in compliance with Subsection F.1. The outdoor storage of neatly-stacked, cut firewood for on-site domestic use only need not be fenced.

4. Location of storage. Shall not be located within required front setback areas; or within required side setback areas within a Residential land use category.

[Amended 1981, Ord. 2063; 1982, Ord. 2091, Ord. 2106; 1984, Ord. 2163; 1986, Ord. 2250; 1987, Ord. 2320; 1992, Ord. 2539, 2553; 1999, Ord. 2880] *[22.08.024]*

22.30.050 - Adult Businesses

This Section provides comprehensive regulations applicable to and regulating the location of adult businesses, and similar and related uses. These regulations are in addition to all other provisions of this Title and apply to the land uses listed in Table 2-2 (e.g., bookstores, motion picture theaters, etc.) which, because of an emphasis or primary orientation of their stock-in-trade or services offered, constitute adult businesses as defined in this Section. If any provisions of this Section conflict with other applicable provisions of this Title, the provisions of this Section shall prevail.

A. Regulated uses. In the development and adoption of this Section, the Board finds that adult businesses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of these regulations is to prevent the concentration or clustering of these businesses in any one area.

B. Definitions. In addition to the definitions in Article 8, the following words and phrases shall be defined as follows for the purposes of this Section, unless it is clearly apparent from the context that another meaning is intended.

1. **Adult bookstore.** An establishment having as a substantial or significant portion of its stock in trade, material which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), or an establishment with a segment or section thereof devoted to the sale or display of such material.

2. **Adult business.** Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, and model studio, but not including those uses or activities, the regulation of which is preempted by State law.

3. **Adult hotel or motel.** A hotel, motel or other overnight establishment, which provides, through closed circuit television, or other media, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein.

4. **Adult motion picture arcade.** An establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "special sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein.

5. **Adult motion picture theater.** An establishment in an enclosed building used for presenting material in the form of motion picture film, video tape, slides or other similar means, which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein.

6. **Cabaret.** A bar, nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein.

7. **Material.** Relative to adult businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, pamphlets, photographs, prints, drawings, paintings, motion pictures, and video tapes, or any combination thereof.

8. **Model studio.** An establishment where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" (as defined below) are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by patrons paying such consideration or gratuity.

9. **Specified anatomical areas.** Less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola; in combination with human male genitals in a discernibly turgid state, even if completely and opaquely covered.

10. **Specified sexual activities.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

C. Specific regulations. In those land use categories where adult businesses regulated by this Section would otherwise be an allowable, permitted, or conditional use under Table 2-2 , it shall be unlawful to cause or permit the establishment of any adult business if the adult business is to be located within:

1. 500 feet of any land located within any Residential category or residential zone district; or

2. 1,000 feet of any other adult business; or

3. 1,000 feet of any parcel on which there is located any public library or any public, private, or parochial school or preschool; or

4. 1,000 feet of any parcel on which there is located a church or any noncommercial establishment operated by a bona fide religious organization; or

5. 1,000 feet of any parcel or which there is located a city, district, or County owned, operated and maintained public park, public playground, or other public facility.

The "establishment" of any adult business shall include the opening of such a business as a new business, the relocation of such a business, the enlargement of such a business, or the conversion of an existing business location to any adult business use.

The "enlargement" of any adult business shall include an increase in the size of the building within which the adult business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent parcel of land.

D. Measure of distance. The distance between any two adult businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult business and any church, school, public library, public park, public playground, public recreational facility, Residential category, or residential zone district shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult business to the closest property line of the church, school, public library, public park, public playground, public recreational facility, Residential category, or residential zone district.

E. Waiver of locational provisions. Any property owner or authorized agent may apply to the Commission for waiver of the locational provisions for adult businesses set forth in Subsection C.

1. **Permit requirement.** Conditional Use Permit approval is required for a waiver of the locational provisions set forth in Subsection C.

2. **Application content.** The Conditional Use Permit application is to include a description of the proposed adult business and the reasons why the applicant feels that the location of the proposed business would be consistent with the requirements and objectives of this Section.

3. **Additional notice.** The public notice required for a public hearing on a Conditional Use Permit by Section 22.70.060 shall include mailed notice to all owners of property located within 1,000 feet of the exterior boundaries of the parcel on which the adult business is proposed to be located.

4. **Additional findings required.** The Commission may approve or conditionally approve a Conditional Use Permit to waive any of the locational provisions of this Section if, in addition to the findings of fact required to be made by Section 22.62.060.C.4 , it makes findings of fact:

   a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section will be observed.

   b. The proposed use will not enlarge or encourage the development of a "skid row" area.

c. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor with it interfere with any program of urban renewal.

[22.04.400]

22.30.060 - Agricultural Accessory Structures

A. Limitation on use. No structure approved in compliance with this Section or Section 22.06.040.E.1 (Exemptions from Permit Requirements - Agricultural Accessory Buildings) as an agriculture accessory structure (e.g., a barn, shop, etc.) shall be used for residential purposes without first securing a land use permit for residential use and thereafter obtaining a construction permit. The construction permit shall be required for the entire structure if it was constructed as an exempt agricultural building in compliance with Section 22.06.040.E.1 and in any case for any changes to the structure proposed by the applicant and/or necessary to satisfy the requirements of Title 19 of this Code (The Building and Construction Ordinance) for a dwelling.

B. Timing. Where a parcel proposed as the site of an agricultural accessory building is less than 10 acres, an agricultural accessory building shall be established only after a principal use has first been established on the site.

C. Minimum site area. An agricultural accessory building shall not be established on a lot with an area less than one acre.

D. Front setback. 50 feet, unless a greater setback is otherwise required by Section 1108(b) of Appendix Chapter 11 of the Uniform Building Code.

E. Side and rear setbacks. 30 feet, unless a greater setback is otherwise required by Section 1108(b) of Appendix Chapter 11 of the UBC, but no closer than 100 feet to any dwelling outside the ownership of the applicant.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696] *[22.08.041]*

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, and fertilizer plants, are allowable subject to the following standards.

A. Permit requirements. Minor Use Permit approval, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

B. Application content.

1. Public notice.

a. Prior to application submittal. The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.

b. **Public hearing notice.** Public notice shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed agricultural processing site and to all property owners fronting any local roads that serve the facility back to an arterial or collector, instead of in the manner normally required for public hearings by Section 22.70.060. Public notice may be required to be provided to properties greater than 1,000 feet away for certain applications at the discretion of the Director of Planning and Building.

2. **Description of use.** Applications for agricultural processing uses are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Article 6 (Land Use and Development Permit Procedures), in order to evaluate the conformity of a proposed use with the standards of Article 3 (Site Planning and General Project Design Standards).

C. Minimum site area. No minimum required unless Subsection D. would otherwise require a minimum site area.

D. Standards for specific uses.

1. **Fertilizer plants.** The following are minimum requirements to enable consideration of a specific proposal. Greater separation between fertilizer plants and other uses may be required through land use permit approval.

   a. **Location:** No closer than one-half mile from any residential category located within an urban or village reserve line; and no closer than 400 feet to any residence outside the ownership of the applicant.

   b. **Setbacks:** 200 feet from each property line.

2. **Wineries.** For the purposes of this section, a winery is defined as an agricultural processing facility used for the processing (fermentation when combined with any of the following: crushing, barrel aging, blending, and bottling) of juices into wine or the refermenting of still wine into sparkling wine. This definition does not include the storage of case goods in the absence of processing (included under Warehousing).

   a. **Access location.** The principal access driveway to a winery with public tours, tasting, retail sales or special events held in compliance with Subsection D.2.i. is to be located on or within one mile of an arterial or collector.

   b. **Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.

c. Liquid waste disposal. Standards will be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).

d. Setbacks.

(1) Rural areas. All winery structures and outdoor use areas shall be a minimum of 100 feet from each property line and no closer than 200 feet to any *existing* residence outside of the ownership of the applicant. Where a winery has public tours, tasting, retail sales, or special events (in compliance with Subsection D.2.i.), the setback shall be increased to 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant. These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required by Subsection A. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

(2) Urban and village areas. As required by Section 22.10.140 et seq.

e. Signing. As provided by Chapter 22.20 (Signs) of this title.

f. Parking. Parking shall be provided in compliance with Chapter 22.18 (Parking and Loading Standards). Parking lot construction standards shall be provided in compliance with Section 22.18.060. The parking shall be located and/or landscaped so it is screened from public roads where topography or existing on-site vegetation (including vineyards) does not provide for adequate screening. No parking shall be allowed within any adjoining road right-of-way.

g. Design standards.

(1) Exterior. In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with the winery (including production facilities) shall have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use categories.

(2) Screening. Any portion of the winery structures that are visible from public roads shall be screened where necessary to ensure the rural character of the area is unchanged unless screening is not practical, feasible or necessary due to existing topographic conditions or existing on-site vegetation (including vineyards). The screening may include such measures as landscape or existing vegetative screening, existing topography, and/or arrangement of the structures on the site to minimize bulky appearance. Any tank located outside of structures shall be screened 100 percent from public roads.

(3) Height. The maximum height of any structure associated with a winery facility shall be 35 feet. The height may be increase to 45 feet where a pitched roof of greater than 4 in 12 is proposed and at least 50 percent of the structure is at 35 feet in height or less.

(4) Lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would throw light, either reflected or directly, in an upward direction.

h. Tasting rooms. Tasting rooms shall be clearly incidental, related and subordinate to the primary operation of the winery as a production facility.

(1) Permit requirement. Minor Use Permit approval. Tasting rooms shall also meet all the standards for wineries set forth in Subsection D.2., in addition to the specific standards of this Subsection.

(2) Location. The tasting room shall be located within or no more than 200 feet from the winery facilities. This standard may be waived where site constraints, on-site access, visual concerns, grading or other environmental issues can be better addressed through an increased distance. A Minor Use Permit application may be used to modify this standard where an existing structure built prior to 1980 is being used as the tasting facility.

(3) Number of tasting rooms allowed. One tasting room is allowed for each winery. If more than one winery share production facilities or more than one winery is located on a site, only one tasting room is allowed. More than one winery facility may share a tasting room.

i. Special events. For the purposes of this section special events are defined as any of the following events when there is the possibility that 50 people or more individuals will attend: concerts (with or without amplified sound), weddings, advertised events (including fund raising, but not including industry-wide events), and advertised winemaker dinners open to the general public. Does not include normal patronage of the tasting room or non-advertised events.

(1) **Permit requirement.** Minor Use Permit approval where six or less special events for no more than 80 individuals are proposed, unless a higher level of permit is required by this ordinance for the proposed facility. Conditional Use Permit approval for six or more special events or where there is the possibility that more than 80 individuals may attend.

(2) **Minimum site area.** 20 acres. A Minor Use Permit application may be used to waive this standard where the character of the area, access, and the types of special event proposed make a 20 acre minimum site area unnecessary, unless a higher level of permit is required by this ordinance for the proposed facility.

(3) **Limitation on use.** Special events are limited to 40 days a year. Any special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 5 p.m. No outside amplified sound shall occur before 10 a.m. or after 5 p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.

(4) **Design and operational standards:** All special events shall also meet all the applicable standards set forth in Subsection D.2. and the standards set forth in Subsection 22.30.610.D.1 -4 and E, in addition to the specific standards of this Subsection

(5) **Setbacks.** All special events shall conform to the setback standards of Subsection D.2.d.

(6) **Effect on existing Special Events.** All unpermitted existing special events in existence on the effective date of this section (November 21, 2001) shall be subject to the standards specified in this Subsection. Required land use permits shall be requested from the county within 120 days of the effective date specified above. If the required land use permit, has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title shall apply.

[Amended 2001, Ord. 2942]

3. **Commercial composting.** These standards apply to the establishment of a commercial composting operation in addition to any applicable standards or permits that may be required from the California Integrated Waste Management Board or the County Environmental Health Department.

a. **Minimum site area:** Five acres.

b. **Parking requirement.** None, provided that sufficient usable area is available to permanently accommodate all employee and user parking needs entirely on-site. Parking areas shall be located no closer than 100 feet from each property line.

c. Setbacks. Outdoor use areas and structures shall be 200 feet from each property line, and no closer than 500 feet to any residence outside of the ownership of the applicant. None, provided that sufficient usable area is available to permanently accommodate all employee and user parking needs entirely on-site. Parking areas shall be located no closer than 100 feet from each property line.

[Amended 1986, Ord. 2250; 1992, Ord. 2553; Added 1995, Ord. 2741] *[22.08.042]*

22.30.080 - Airfields and Heliports

The standards of this Section apply to airfields and heliports in addition to all applicable permit requirements and standards of the Federal Aviation Administration (FAA), and the California State Department of Transportation, Division of Aeronautics. The Board hereby delegates to the Commission the authority to approve plans for construction of proposed airports and heliports, as provided by this Section.

A. Limitation on use. Only heliports may be approved in the Office and Professional and Commercial Service land use categories; airfields are prohibited.

B. Permit requirement. Conditional Use Permit approval, which shall constitute county approval of the plan for construction of the airport or heliport as required by the California Department of Transportation, Division of Aeronautics. If approved, the Conditional Use Permit shall be subject to a condition of approval which requires airport or heliport construction to be in compliance with the approved plan for construction. Buildings or uses accessory to an airport or heliport are subject to permit requirements and standards applicable to each use.

C. Location criteria.

1. **Agricultural and Personal Use facilities.** Shall be located only within an Agriculture or Rural Lands category, no closer than 2,500 feet to an urban reserve.

2. **Restricted Use facility.** Shall be located outside of and no closer than 2,500 feet to an urban or village reserve line, except for an emergency use heliport, which may be located within an urban or village reserve. Restricted use airfields shall be located such that aircraft in approach or departure maneuvers within two miles of the airfield do not pass within 500 feet in any direction of:

   a. An existing residential use outside the ownership of the airfield;

   b. An urban or village reserve line;

   c. Any area within a Residential or Commercial Retail category;

   Except for an emergency heliport established to support a medical, fire protection or other public safety facility.

3. **Public Use facilities.** Shall be located only within a Public Facility land use category.

D. Operational requirements.

1. **Agricultural or Personal Use facility.** Based aircraft shall be limited to those used for agricultural crop dusting, or personal use of the tenant or owner of record. No commercial flights other than those directly related to agricultural activities are permitted.

2. **Restricted Use facilities.** Not more than 10 aircraft shall be based at the strip.

E. Permit processing.

1. A land use permit or exemption from the State Department of Transportation, Division of Aeronautics shall be obtained for all airfields and heliports. Prior to establishment of an airfield or heliport, the applicant shall file with the Department of Planning and Building evidence of approval of such permit or exemption.

2. Prior to or in conjunction with the approval of an airport land use permit for a public use airport, height limitations shall be established for the surrounding area in compliance with current Federal Aviation Administration regulations. Such height limitations shall be established by:

   a. Amendment of the Land Use Element to establish an Airport Review area combining designation around the airport; or

   b. Execution of easements with each property owner over whose property such height limits shall apply, with such easements to run with the land and contain restrictions on the height of structures or vegetation which are in compliance with FAA regulations.

[Amended 1992, Ord. 2553] *[22.08.282]*

22.30.090 - Animal Keeping

A. Purpose. This Section limits the number of animals allowed and the methods by which domestic, farm and exotic animals may be kept on private property, under the circumstances specified. This Section is intended to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals. Potential adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.

B. Applicability. This Section applies to any keeping of animals as either an incidental or principal use, except for pet stores. (Pet stores are included under the definition of General Retail in Article 8). Certain specialized structures and facilities for animals (including animal hospitals, kennels, feed lots, fowl, poultry, hog or horse ranches) may also be subject to Sections 22.30.060 (Agricultural Accessory Structures) or 22.30.100 (Specialized Animal Facilities), as applicable.

C. Limitation on use. Animal keeping is not allowed in the Residential Multi-Family, Office and Professional and Commercial land use categories except for:

1. The keeping of household pets in an approved residential use; and

2. Animal facilities allowed in compliance with Section 22.30.060 and

3. Agricultural uses in urban and village areas in compliance with Section 22.30.200.

D. Permits and applications.

1. Permit requirements: None, except as otherwise required by Subsection F. for specific types of animals, or as required by Section 22.30.100 (Animal Facilities) or other provisions of this Code for structures used to enclose or house animals; provided that all animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.

2. Application content. Where this Section requires land use permit approval for a specific animal raising activity, the permit application shall include the following, in addition to all information required by Article 6:

a. Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.

b. The applicant's plans for animal waste disposal.

c. Where the site is located within or adjacent to a Residential or Recreation category, a statement of other measures proposed by the applicant for the management of the site and proposed animals to insure that the animals will not become a nuisance to other residents in the vicinity of the site.

E. Site requirements. Animal keeping is allowed only on sites that comply with the following standards, except for the keeping of household pets in compliance with Subsection F. (Household Pets).

1. Minimum site area. As provided Subsection F. for the specific animal raising activity.

2. Setbacks required.

a. Buildings. Livestock and poultry buildings, barns, stables or other accessory buildings related to the animal raising activity are subject to the setback and other applicable provisions of Section 22.30.060 (Agricultural Accessory Structures), except as otherwise provided in Subsection H.

b. Outdoor animal enclosures. Corrals, paddocks, pens and other outdoor animal enclosures shall be located as required by the following setbacks:

(1) Setback from adjoining residential use. Animal enclosures shall be located at least 50 feet from any previously existing dwelling, swimming pool, patio or other living area on property other than the site.

(2) Setback from streets. As required by Section 22.10.140, animal enclosures shall be located a minimum of 25 feet from a front property line and 10 feet from a street side property line; except that no such setbacks are required in the Agriculture, Rural Lands and Open Space categories, or in the Residential Rural or Suburban categories outside of urban or village areas.

(3) Setback for specific animals. Where Subsection H. requires a specific setback for a particular animal species, the Subsection H. setback shall prevail.

F. Permit requirements and minimum site area for animal keeping. The following requirements apply to the keeping and raising of specific types of animals in addition to all other applicable standards of this Section, including but not limited to animal density and other limitations set forth in Subsection H.

Permit Requirements and Minimum Site Areas for Animal Keeping					
Type of Animal or Animal Keeping Activity	**Permit Requirement**				**Minimum Site Area Required for Animal Keeping**
	No Permit Required	**Zoning Clearance**	**Minor Use Permit**	**Conditional Use Permit**	
Animal husbandry (4H or FFA projects)	✔				6,000 sf for small animals; 12,000 sf for small hoofed animals; 1 acre for cattle or horses.
Bees	Permit requirement and standards established by Chapter 5.04 of this Code				
Birds (other than poultry or game fowl)	20 or fewer birds		21 or more birds, or a commercial operation		None for 20 or fewer birds; 6,000 sf for 21 or more birds.
Cattle	✔				1 acre
Fowl & poultry	20 or fewer fowl or poultry	21 to 99 fowl or poultry	100 or more fowl or poultry		No minimum for 20 or fewer; 1 acre for 21 or more fowl or poultry.
Fur bearing animals	In AG or RL, or sites larger than 5 acres	Site not in AG or RL, or less than 5 acres			No minimum for 19 or fewer; 1 acre for 20 or more fur bearing animals
Goats & sheep	✔				1 acre
Hogs & swine	Site of 5 acres or more	Site less than 5 acres			2-1/2 acres

Permit Requirements and Minimum Site Areas for Animal Keeping					
Type of Animal or Animal Keeping Activity	**Permit Requirement**				**Minimum Site Area Required for Animal Keeping**
	No Permit Required	**Zoning Clearance**	**Minor Use Permit**	**Conditional Use Permit**	
Horses	29 or fewer horses on 20 acres or more in AG or RL; 14 or fewer horses on 19 or less acres in AG or RL; 14 or fewer horses in other land use categories.	15 to 29 horses on 19 or less acres in AG or RL, or in other land use categories.	30 or more horses	30 or more horses in RSF	1 acre
Household pets	3 or fewer cats/ dogs; or house-hold pets other than cats/dogs	The keeping of 4 or more dogs for months of age or older, or 4 or more cats for commercial purposes is considered to be a kennel. The permit requirement is established by Section 22.30.100.G.			No minimum
Rabbits, rabbit farms	Any number in AG, RL, or on sites of 5 acres more. 19 or fewer rabbits in other land use categories.	AG or RL, or less than 5 acres, with 20 or more rabbits kept, or keeping is for commercial purposes.			No minimum for 19 or fewer; 1 acre for 20 or more rabbits.
Worm farms	✔				20,000 sf
Zoo animals	See Subsection H.11				1 acre

G. Maintenance and operational standards.

1. **Odor and vector control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.

2. **Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 22.74 (Enforcement).

3. **Noise Control.** Animal keeping within urban or village areas or in Residential land use categories shall comply with the noise standards established by Section 22.10.120.

H. Specific animal standards. The following requirements apply to the keeping of specific types of animals, in addition to all other applicable standards of this Section. More than one type of animal may be kept on a single site, subject also to the provisions of Subsection I. The limitations of this Subsection on numbers of animals do not apply to unweaned offspring.

1. Animal husbandry projects.

a. General standards. Notwithstanding the other provisions of this Section, except the limitations on use in Subsection C. and the maintenance and operational standards of Subsection G., the keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals as a current and certified (or otherwise documented) 4-H or Future Farmers of America (FFA) official project is subject to the standards Subsection F. for animal husbandry projects.

b. Enclosure required. On any parcel less than one acre, project animals shall be confined in a pen or fenced area that is located no closer than 25 feet to any residence other than that on the project site. Hogs shall not be located closer than 100 feet from any dwelling other than those on the project site.

2. Bee keeping. Permit requirements and standards for bee keeping are specified by Chapter 5.04 of this Code (Bees).

3. Birds. Applicants should be advised that the keeping of imported birds may require approval by the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or California Department of Food and Agriculture, in addition to any approval required by this Title.

4. Cattle.

a. Animal density. The maximum number of animals allowed is one per acre of site area in the Residential Single-Family category; two per acre in the Residential Suburban category; and three per acre in other categories; except as provided by Subsection H4b. The keeping of cattle at four or more per acre for more than 45 days is considered a feedlot and is subject to Section 22.30.100.C.

b. Uses not regulated. Cattle operations in the Agriculture, Rural Lands and Open Space categories on parcels larger than 20 acres are not regulated by this Title, except to the extent that land use or construction permits may be required for buildings and structures, and except for feedlots, which are subject to the requirements of Section 22.30.100.C.

5. **Fowl and poultry.** The following standards apply to the keeping of fowl or poultry for personal domestic use and the keeping of 20 or fewer fowl or poultry for commercial purposes. The keeping of more than 20 fowl or poultry for commercial purposes is instead subject to Section 22.30.100.D (Fowl and Poultry Ranches).

   a. **Limitation on use.** No male fowl or poultry shall be kept or raised in a Residential Single-Family category except on parcels of two acres or larger, where all adjacent parcels are of equivalent size or larger.

   b. **Animal density.** Except where greater numbers are authorized through Minor Use Permit, the number of fowl or poultry allowed on a site shall be limited to a ratio of one mature animal for each 500 square feet of site area, except that 3,000 square feet per mature animal is required for turkeys.

   c. **Enclosure required.** All mature fowl and poultry shall be contained in coops or pens and not allowed free run of a site.

6. **Fur-bearing animals.** The keeping of mink, chinchillas or other animals of similar size is subject to the following standards.

   a. **Animal density.** No more than 50 mature animals per acre; no limitation when pens are entirely within a building; no limitation in the Agriculture or Rural Lands categories on parcels of 20 acres or larger, or in the Industrial category.

   b. **Setbacks.** Enclosures for the keeping of animals shall be located no closer than 200 feet from any dwelling other than those on the site.

   c. **Enclosure required.** All carnivorous animals shall be contained in cages or pens, and not allowed free run of a site.

7. **Goats and sheep (and animals of similar size at maturity).** The maximum number of animals allowed in a land use category other than Agriculture and Rural Lands is four per acre of site area, unless Minor Use Permit approval is first obtained. Keeping goats or sheep in the Agriculture or Rural Lands categories is not subject to the provisions of this Title.

8. **Hogs and swine.**

   a. **Limitation on use.** The keeping of hogs and swine is prohibited in the Residential Single-Family category, except as otherwise provided by Subsection H.1.

   b. **Animal density.** The maximum number of hogs or swine allowed is three sows, one boar and their unweaned litter. More animals constitute a hog ranch, and are subject to Section 22.30.100.E (Hog ranches).

   c. **Setbacks.** Animal enclosures shall be located no closer than 100 feet from any dwelling other than those on the site.

9. **Horses.** The following requirements apply to the keeping of less than 30 of any member of the horse family, including donkeys and mules. The keeping of 30 or more animals or the establishment of equestrian facilities including boarding stables, riding schools and academies and horse exhibition facilities (for shows or other competitive events) constitute specialized animal facilities and are instead subject to Section 22.30.100.F. The keeping of horses for commercial purposes is also subject to the provisions of Title 9 of the County Code.

   a. **Permit requirement.**

      (1) **Agriculture or Rural Lands**. No permit required for the keeping of less than 30 horses in the Agriculture or Rural Lands categories on sites of 20 acres or larger.

      (2) **Other land use categories, smaller sites**. In other than the Agriculture and Rural lands categories (and in Agriculture or Rural Lands on parcels less than 20 acres), no permit required for one to 14 horses; Zoning Clearance for 15 to 29.

   b. **Animal density - Single-family areas.** The maximum number of horses allowed is one per acre of site area in the Residential Single-Family (RSF) land use category.

   c. **Animal density in other than single-family areas.**

      (1) **Residential Suburban category**. Three horses per acre are allowed in the Residential Suburban category.

      (2) **Parcels less than five acres**. Three horses per acre may be kept on parcels less than five acres in allowed land use categories.

      (3) **Other categories, larger parcels**. Four horses per acre may be kept in allowed land use categories on parcels of five acres or larger.

   The keeping of horses at greater densities or the keeping of more than 30 horses on a single site constitutes a horse ranch and is instead subject to Section 22.30.046f.

10. **Rabbits and rabbit farms.**

   a. **Applicability.** The raising or keeping of 20 or more rabbits, and the raising or keeping of rabbits for commercial purposes are subject to the standards of this Subsection. The raising or keeping of fewer than 20 rabbits not for commercial purposes, are subject only to the requirements of Subsections C., D., and G.

   b. **Animal density.** No more than 50 mature animals per acre; no limitation when pens are entirely within an enclosed building; no limitation in the Agriculture or Rural Lands categories on parcels of 20 acres or larger, or in the Industrial category.

11. **Zoo animals.** The raising or keeping of animals other than those specified in Subsections H.2 through H.10 that are common to zoos, are carnivorous, poisonous or are not native to North America are subject to the location limitations and permit requirements of Section 22.06.030, Table 2-2, except that:

    a. Where the animals have satisfied all applicable requirements of the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game and the California Department of Food and Agriculture, the Director may determine after consultation with appropriate zoological experts that a particular non-carnivorous, non-poisonous animal is substantially similar in its physical characteristics and/or potential effects on a site and persons in the vicinity to one of the animals listed in Subsections H.2 through G.10; and

    b. In this case, the keeping of the particular exotic animal may be allowed subject to the specific provisions of Subsections H.2 through H.11 identified by the Director.

I. Multiple animal types. More than one species of the animals listed in Subsections F. and H. may be kept on a single site provided that:

1. The requirements of Subsection H. and all other applicable provisions of this Section are satisfied for each species, except as provided in following Subsections I.2 and I.3.

2. Where Subsection H. establishes a minimum site area for specific species, the largest minimum site area applicable to any of the proposed animals shall apply.

3. Where multiple proposed animal species have equivalent animal density requirements established by Subsection H., the total number of animals shall not exceed the density requirement. (e.g. cattle and horses are both limited to a density of two per acre of site area in the Residential Rural land use category. A site with two acres of pasture area could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

[Added 1986, Ord. 2290; amended 1987, Ord. 2309; 1992, Ord. 2553; 1999, Ord. 2880] *[22.08.044]*

22.30.100 - Animal Facilities - Specialized

Certain facilities and structures included under the definition in Article 8 of "Animal Keeping" that are used in support of the raising or keeping of animals are subject to the requirements of this Section. These standards apply in addition to all applicable provisions of Title 3 (Food and Agriculture) and Title 17 (Public Health) of the California Code of Regulations.

A. General standards. All the specific uses addressed by Subsections B. through G., and any other uses included under the definition of animal facilities, are subject to the following standards, except where otherwise provided by this Section.

1. **Application content.** Permit applications required by this Section shall include all information specified by Article 6, all information specified by Section 22.30.090.D.2, and

a description of measures proposed for rodent and vector control, which shall be approved by the Agricultural Commissioner and Health Department.

2. **Conditions of approval.** Approval of a Minor Use Permit or Conditional Use Permit for a specialized animal facility shall include conditions of approval as necessary to assure sanitary operations which will not create a nuisance or health hazard.

3. **Parking requirements.** Except where specific parking requirements are set through Minor Use Permit or Conditional Use Permit approval, no improved parking is required, provided that sufficient usable area is make available to accommodate all employee and user vehicles entirely on the site.

4. **Maintenance.** The specialized animal facilities allowed in compliance with this Section are subject to the same maintenance and operational standards as are applied to animal raising and keeping by Section 22.30.090.G, except where Minor Use Permit or Conditional Use Permit approval imposes conditions of approval that authorize alternative measures.

5. **Animal density.** There is no limitation on the number of animals that may be kept on a site approved for a specialized animal facility in compliance with this Section, except where limits may be set by the applicable approval body through conditions of approval, because of specific problems associated with keeping animals on the site that are identified through the land use permit process.

B. Animal hospitals and veterinary medical facilities.

1. **Minimum site area.** 6,000 square feet in the Office, Commercial, Industrial and Public Facilities categories; one acre in other allowed categories.

2. **Site requirements.**

   a. **Setbacks.** When located in the Agriculture, Rural Lands and Recreation categories, enclosures for the keeping of animals shall be located 100 feet from any dwelling other than those on the site. Setbacks in other allowed categories shall be provided as required by Sections 22.10.140 et seq. (Setbacks).

   b. **Access.** From a paved, publicly maintained road.

   c. **Enclosure required.** When located in an Office and Professional or Commercial category, all veterinary activities shall be conducted entirely within a building.

3. **Operation.**

   a. **Care and boarding.** Care and boarding shall be limited to small animals, and may not include cattle, horses, or swine, except in the Agriculture, Rural Lands, Commercial Service or Industrial categories.

   b. **Maintenance.** The premises shall be maintained in a clean and sanitary condition by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor. Waste incineration is prohibited.

C. **Beef and dairy feedlots.** The keeping or raising of four or more cattle per acre (not including unweaned offspring) for a period exceeding 45 days is subject to the following standards:

1. **Minimum site area.** 20 acres.

2. **Location.** A feedlot site shall be located so that cattle enclosures are: no closer than one mile from any Residential category located within an urban or village reserve line; and no closer than 400 feet from any dwelling other than those on the site.

3. **Access.** From an all-weather road or railroad spur.

4. **Waste disposal.** To be in compliance with discharge requirements established in compliance with Section 22.10.190 (Water Quality), and any requirements of the Health Department.

5. **Additional notice.** The public notice required for a hearing on a Conditional Use Permit by Section 22.70.060 shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.

D. **Fowl and poultry ranches.** The raising or keeping of more than 20 fowl or poultry for commercial purposes, or at densities greater than 500 square feet of site area per mature animal (or more than one turkey per 3000 square feet) is subject to the same standards that are required of beef and dairy feedlots by Subsections C.3 through C.5 and a minimum site area requirement of five acres.

E. **Hog ranches.** The raising or keeping of more than three sows, a boar and their unweaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling other than those on the site.

F. **Horse ranches and other equestrian facilities.** The keeping of 30 or more horses, or horses at greater densities than provided by Section 22.30.090.H.9.b and H.9.c, or the establishment of equestrian facilities including boarding stables, riding schools and academies and horse exhibition facilities (for shows or other competitive events), is subject to a minimum site area requirement of 10 acres, except where a smaller site area is authorized through Conditional Use Permit approval.

G. Kennels.

1. **Minimum site area.** 2-½ acres in the Rural and Suburban Residential categories; 6,000 square feet in the Office and Professional, Commercial, Industrial and Public Facilities categories; one acre in the Residential Single-Family land use category.

2. **Site design.**

   a. **Setbacks.** When located in the Residential Rural, Suburban and Single-Family categories, enclosures for the keeping of animals shall be located 100 feet from any dwelling other than those on the site. Setbacks in the other allowed categories shall be as required by Section 22.10.140 (Setbacks).

   b. **Access.** None, where no on-site boarding or sale will occur. Where on-site boarding and sale will occur the following access standards apply:

      (1) When located in the Residential Suburban and Single-Family, Recreation, Office and Professional, Industrial, and Commercial Retail and Service land use categories, access shall be provided from a paved, publicly maintained road.

      (2) When located in the Agriculture, Rural Lands or Residential Rural land use categories, access shall be provided from a road improved with chip-seal or better that is maintained through organized maintenance such as a homeowner's association or a road maintenance agreement.

   c. **Enclosure required.** When located in an Office and Professional or Commercial category, all kennel activities shall be conducted entirely within a building.

3. **Operation.** Kennels are subject to the same operation standards as are required for animal hospitals by Subsection B.3.

[Added 1986, Ord. 2290; Amended 1987, Ord. 2309; 1992, Ord. 2553; 1992, Ord. 2583; Added 1995, Ord. 2741; 1999, Ord. 2880] *[22.08.046]*

22.30.110 - Auto and Vehicle Dealerships

Vehicle dealerships in the Commercial Retail category are subject to the following standards. Auto parts stores are not subject to these standards when conducted entirely within a building.

A. Limitations on use. Vehicle dealerships are limited to new and/or used automobiles and motorcycles (including mopeds). In a central business district, vehicle dealerships are allowed provided all vehicles for sale are stored, displayed and serviced entirely within a building.

B. Access. From a collector, arterial or freeway frontage road, or a local street in an auto sales park development.

C. Setbacks. A minimum 10-foot landscaped setback is required from all street frontage property lines.

D. Outdoor use. The outdoor display or storage of vehicles is allowed subject to the standards of Section 22.30.530 (Sales Lots), except that the outdoor display or storage of any product or material by a vehicle dealership except vehicles for sale is prohibited in a Commercial Retail category.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.08.201]*

22.30.120 - Auto and Vehicle Repair and Service

A. Repair and services other than self-service washing. All repair and service activities, and the temporary storage of vehicles while waiting for repair, service or body work shall be conducted within a building, or within a yard enclosed by a six-foot high solid fence, such that storage or repair activities are not visible from the public street.

B. Self-service car washes. The standards of this Subsection are applicable to self-service car washes where the vehicle remains stationary during washing.

1. **Permit requirement.** Site Plan Review, except when Section 22.08.030 (Permit Requirements), would require Conditional Use Permit approval.

2. **Location.** A car wash shall not be located within 100 feet of a Residential Single Family land use category.

3. **Access lanes.** Separate on-site access and egress lanes shall be provided, and identified with directional signing. Site access and egress may be from a single driveway, provided that one-way traffic flow is maintained on-site.

4. **Washing line or bay orientation.** Washing bays shall be oriented so that the bay entrances and exists do not face an adjoining street. Access to the bays shall be one-way only.

5. **Setbacks.** Structures shall be set back from site property lines at distances sufficient to provide the following features.

   a. **Waiting area.** An area 10 by 20 feet shall be provided adjacent to the entrance of each washing bay for a vehicle waiting to use the bay.

   b. **On-site circulation.** The car wash structure, and waiting area described in Subsection B.5.a shall be encircled by a one-way driving lane with a minimum width of 24 feet along the washing bays, and 12 feet adjacent to the building ends.

   c. **Drying area.** An area shall be provided for the drying of vehicles after washing, consisting of separate spaces which are a minimum size of 12 by 20 feet. Drying spaces shall be provided at a ratio of two per washing bay.

   d. **Adjacent to multi-family use.** A 10-foot landscaped setback shall be provided along the total length of any property line abutting a multi-family residential use.

6. **Landscaping.** A 10-foot landscaping strip shall be provided across any street frontage of the site, exclusive of driveways.

7. **Fencing.** The interior lot lines of a car wash site shall be screened with solid wood or masonry fencing, six feet in height, except within 10 feet of the street right-of-way, where no fencing is required.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.08.222]*

22.30.130 - Automobile Service Stations and Gas Stations

Gas stations, and vehicle fuel sales businesses with incidental service facilities shall comply with the following standards.

A. Location criteria.

1. **Location adjacent to RSF prohibited.** No new gas station shall be located adjacent to a lot in the Residential Single-Family land use category.

2. **Access.** An automobile service station shall be approved only at locations which meet the following standards for street access:

   a. At any intersection where at least one intersecting street is a collector or arterial; or

   b. Between intersections on an arterial, provided that such location is at least 1,000 feet from any intersection with another arterial; or

   c. Within a shopping center or industrial park, when vehicle access to the service station is only from within the shopping center or industrial park and not directly from a public street, except as provided by Subsections A.2.a and A.2.b.

B. Minimum site area. 15,000 square feet, with minimum dimensions of 125 feet on all street frontages.

C. Site design criteria. The following standards apply to gas stations in addition to the other applicable standards of this Title.

1. Setbacks.

a. Pump islands. 18 feet from any street right-of-way.

b. Buildings. 10 feet from any street right-of-way.

c. Adjacent to multi-family use. A 10-foot landscaped setback shall be provided along the total length of any property line abutting a multi-family residential use.

2. Access driveways. Driveways providing access to service station sites shall be a minimum width of 30 feet, and shall no closer than 20 feet from the nearest curb line of any intersecting street.

3. Parking requirement. One space, plus two spaces per service bay.

4. Landscaping. A landscaping strip with a minimum width of five feet shall be located adjacent to all street frontages, exclusive of driveway areas. The total area of landscaping shall be a minimum of 20 percent of the total site area.

5. Signing. Service station signing is allowed as follows.

a. Total area. The total area of all signs on an automobile service station site shall not exceed one square foot per two feet of public street frontage on the site, up to a maximum of 125 square feet. Signs measured include but are not limited to all freestanding signs and all wall-mounted signs.

b. Freestanding signs. Freestanding signs are permitted, provided that there shall not be more than one pole sign on each service station site, nor more than two monument signs. Freestanding signs may be up to 20 feet in height, not to exceed the height of the building. The total area of all freestanding signs shall not exceed 60 square feet.

c. Price signs. One price sign is allowed for each site frontage, not to exceed 12 square feet.

d. Service signs. Signs indicating whether pump islands are "Full Service" or "Self Service" are permitted, provided that there are not to be more than two such signs for each pump island, do not project beyond the edge of the pump island curb, and do not exceed four square feet in area.

e. Freeway identification signs. See Chapter 22.20

D. Repair activities. All areas set aside for repair activities allowed by Section 22.06.030, Table 2-2 in conjunction with a service station shall be entirely within a building.

[Amended 1992, Ord. 2553] *[22.08.202]*

22.30.140 - Building Materials Sale

A. Commercial Retail land use category. Building materials sales in the Commercial Retail category shall comply with the following standards.

1. Limitation on use. Building materials sales shall not include incidental retail ready-mix concrete operations.

2. Enclosure required. In the Commercial Retail category, all building materials sales activities and storage shall be enclosed within a building.

B. Commercial Service land use category. Building materials sales uses in the CS land use category that include incidental retail ready-mix concrete operations used primarily by retail customers (not wholesalers or contractors) shall comply with the following standards.

1. Application content. Where the site adjoins a residential land use category or a lot containing a residential use, the Conditional Use Permit application shall include an acoustical report with recommended mitigation measures which enable compliance with the exterior noise standard in Section 22.10.120.

2. Access. Shall be taken from a collector, arterial or freeway frontage road, and shall not be taken through residential areas or on streets used primarily by residential traffic.

3. Operation.

a. Hours of operation. Between 7:00 A.M. and 9:00 P.M. where adjacent to a residential category or a lot containing a residential use; no limitations in other locations.

b. Noise. Noise from the ready-mix concrete operation shall not exceed 65 dBA as measured at the nearest property line of a residential category or a lot containing a residential use.

[Amended 1987, Ord. 2330] *[22.08.203]*

22.30.150 - Cemeteries and Columbariums

A. Minimum site area. One acre for cemeteries; no minimum for a columbarium.

B. Location. On a collector or arterial.

C. Site design standards.

1. **Setbacks.** All structures and burial plots shall be located no closer than 30 feet to any property line.

2. **Site coverage.** No more than five percent of a cemetery site may be occupied by buildings.

3. **Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.

4. **Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board (see Section 22.10.190 - Regional Water Quality Control Board Review).

[Amended 1994, Ord. 2696] *[22.08.064]*

22.30.160 - Chemical Products Manufacturing

A. Permit requirement. Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing Uses.

B. Location. A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.

C. Minimum site area. Five acres, unless otherwise provided by Subsection D.

D. Specific use standards.

1. Explosives manufacture. The manufacture of explosives is subject to the following standards.

a. Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

b. Minimum site area. 20 acres.

c. Storage. The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).

2. Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] *[22.08.082]*

22.30.170 - Child Day Care Facilities

The following standards apply to large family day care homes and child care centers in addition to state licensing requirements in the California Code of Regulations, title 22, sections 81009 et. seq. These standards do not apply to any facility that provides elementary school educational programs for non-resident children older than six years of age; these facilities are instead subject to Section 22.30.540 (Schools). These standards do not apply to child day care facilities that are accessory and secondary in nature to an approved principal non-residential use.

A. Permit requirements - Family day care homes. No permit is required for facilities with six or fewer children (Small Family Day Care Homes), which are not regulated by this Title; Zoning Clearance or Minor Use Permit approval is required for facilities with seven to 12 children (Large Family Day Care Homes).

Zoning Clearance approval is required where no public hearing is requested in compliance with Subsection A.2. Where a public hearing is requested, a large family day care home requires Minor Use Permit approval and an additional fee in an amount equivalent to the difference between the fees for Zoning Clearances and Minor Use Permits shall be paid by the applicant. The Zoning Clearance shall be processed and approved in compliance with Section 22.62.030 and the Minor Use Permit shall be processed and approved in compliance with Section 22.62.050, except as follows:

1. **Public notice.** As required by California Health and Safety Code Section 1597.46(a)(3), the notice for a Zoning Clearance or Minor Use Permit shall be provided to owners of property within 100 feet of the exterior boundaries of the large family day care home instead of in the manner normally required for Minor Use Permits by Section 22.62.050.B.4.a. Notice shall be provided not less than 10 days before the date of action on the Zoning Clearance in compliance with Section 22.62.030.D or action on the Minor Use Permit in compliance with Section 22.62.050. The notice for a Zoning Clearance approval shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection A.2.

2. **Public hearing.** As required by California Health and Safety Code Section 1597.46(a)(3), no public hearing shall be held on the application for a Zoning Clearance for a large family day care home, unless a hearing is requested by the applicant or other affected person. The request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection A.1. In the event a public hearing is requested, the large family day care home shall be subject to Minor Use Permit approval and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Subsection A.1.

3. **Permit approval.** As required by California Health and Safety Code Section 1597.46(a)(3), the Director shall approve a Zoning Clearance or Minor Use Permit for a large family day care home when he or she determines that the proposed facility will satisfy all applicable requirements of this Section, and can find that the facility will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project.

B. Permit requirements - Child care centers. Except as set forth in Subsection A.1, Conditional Use Permit approval is required for facilities with 13 or more children.

C. Site location. Large family day care homes and child care centers shall be located only on sites which satisfy the following standards:

1. Minimum street improvements. In order to assure safe vehicular access to the site of a child care facility, the street providing access to the site shall be a paved or publicly-maintained road with sufficient clear width to accommodate on-street parking at the site, located entirely outside of the travel lanes.

2. Concentration standards. In order to avoid excessive concentrations of large family day care homes in single-family residential areas, no child care facility shall be approved within the same block or within 500 feet of any other large family day care home or child care center in the residential single-family category, except where specifically authorized through Minor Use Permit approval.

D. Fencing requirements. All outdoor play areas shall be enclosed with fencing; a minimum of four feet high. Such fencing shall be solid and a minimum of six feet high on any property line abutting a residential use on an adjoining lot where determined to be needed for effective noise control.

E. Parking and loading requirements.

1. Large family day care homes. An off-street drop-off area shall be provided with the capability to accommodate at least two cars, in addition to the parking normally required for the residence; a driveway may be used for this purpose. Additional off-street parking shall be provided as necessary to accommodate all employee vehicles on the site.

2. Child care centers. Parking and loading requirements shall be established through Conditional Use Permit approval.

F. Noise control - Outdoor uses. Where one or more parcels adjoining the site of a large family day care home or child care center are in a residential land use category and are developed with single-family dwellings, outdoor play or activity areas shall not be used by client children before 8 A.M., except:

1. Where such outdoor areas are located no closer than 100 feet from any dwelling other than that of the applicant; or

2. Where specifically authorized through Minor Use Permit or Conditional Use Permit approval.

[Amended 1982, Ord. 2091; 1986, Ord. 2250; 1987, Ord. 2293; 1994, Ord. 2693, 2696]
[22.08.074.C]

22.30.180 - Communications Facilities

The requirements of this Section apply to communications transmission and receiving facilities in addition to all applicable permit requirements and standards of the Federal Communications Commission (FCC) and any other applicable Federal or State statutes or regulations. Communications facilities in the Residential Suburban, Single- and Multi-Family land use categories shall be limited to those specified in Subsection C.

A. Permit requirements. In addition to the emergency repair and the general permit requirement of Sections 22.30.360.A and B., Conditional Use Permit approval is required for any new facility or modification of any existing facility that would increase the power output or the power received, or the structure heights above those specified in Section 22.10.090, or modify any operational standards causing a change in exterior noise, vibrations, air quality, water quality or storage and use of toxic and hazardous materials as specified in Article 3.

B. Application content. The application for a land use permit shall contain estimates of the non-ionizing radiation generated by the facility and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

C. Wireless communication facilities.

1. Permit requirements.

a. Minor Use Permit. Minor Use Permit approval is required for the following wireless communications facilities:

(1) Existing Structures. Installation proposed on existing structures (buildings, water tanks, signs etc.), existing electric transmission towers, or any other applicable existing structure; and

(2) Co-location. Wireless communication system antennas or other similar equipment that share locations with their own or other carriers' antennas either on existing monopoles, existing structures (buildings, water tanks, signs etc.), existing electric transmission towers, existing lattice towers or any other existing structures.

b. Conditional Use Permit. Conditional Use Permit approval is required for any wireless communication antenna or other similar equipment not in compliance with Subsection C.1.a.

2. Application contents. In addition to all information required by Chapter 22.60 and Section 22.30.360.B, the applicant shall submit the following information:

a. Information on the proposed rights-of-way, including width, ownership, present land use, slope, soils and vegetation, types of sizes of towers or other structures to be used, proposed screening or other method of finishing so as to be unobtrusive to the neighborhood in which it is located.

b. If co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site. The information shall include:

(1) Whether it is feasible to locate proposed sites where facilities currently exist;

(2) Information on the existing structure which is closest to the site of the applicant's proposed tower relative to the existing structure's structural capacity, radio frequency interference, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities; and

(3) Written notification of refusal of the existing structure owner to lease space on the structure.

3. Development standards. The following standards apply to the development of proposed wireless communication system antenna and related facilities in addition to any that may be established during the permit review process.

a. Setbacks. As set forth in Section 22.10.140, except where locating the facility outside those setbacks is the most practical and unobtrusive location possible on the proposed site.

b. Location. The applicant shall pursue placement of facilities in the following ***preferential*** order:

(1) Side-mount antenna on existing structures (buildings, water tanks, etc.) when integrated into the existing structure, completely hidden from public view or painted and blended to match existing structures; or

(2) Within existing signs when blended within or on existing signage to be completely hidden from public view; or

(3) Atop existing structures (buildings, water tanks, etc) with appropriate visual/architectural screening to be completely hidden from public view; or

(4) Existing monopoles, existing electric transmission towers, and existing lattice towers; or

(5) New locations.

c. Signs. No sign of any kind shall be posted or displayed on any antenna structure except for public safety warnings.

d. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (ex: windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

e. Availability. All existing facilities shall be available to other carriers as long as structural or technological obstacles do not exist.

4. Unused facilities. All obsolete or unused facilities shall be removed within 12 months of cessation of telecommunication operations at the site.

[Added 1990, Ord. 2444; amended 1999, Ord. 2884] *[22.08.284]*

22.30.190 - Consumer Product Repair Services

When located in a central business district, a repair service that is a principal use (not accessory to retail sales on the same premises), shall be limited to hand-carried items. Repair services in the Commercial Retail category are not subject to this Section when not located within a central business district. *[22.08.226]*

22.30.200 - Crop Production and Grazing within Urban or Village Areas

This Section applies to crop production and grazing activities when located within an urban or village reserve line. This Section does not apply to the keeping of animals for personal use, which is included under Section 22.30.090 (Animal Keeping).

A. Crop production. The continuance or establishment of crop production activities on land within an urban or village reserve line is not limited by this Title.

B. Grazing. Grazing operations shall not be established within an urban or village area after the effective date of this Title except in an Agriculture category, or a Residential category where the keeping of animals is in compliance with Section 22.30.090 (Animal Keeping), or is on a site of 20 acres or larger.

[Amended 1986, Ord. 2290] *[22.08.050]*

22.30.210 - Farm Equipment and Supplies Sales

A. Permit requirement.

1. **Hay and feed sales.** The sale of hay and feed not grown on-site is allowable in the Agriculture and Rural Lands categories subject to Site Plan Review; and in the Residential Rural category subject to Minor Use Permit approval. When grown on-site in the Agriculture or Rural Lands categories, no permit is required. When grown on-site in the Residential Rural category, hay sales may be conducted with Zoning Clearance approval.

2. **Products other than hay and feed.** Farm equipment and supplies sales which offer more than hay and feed are subject to Conditional Use Permit approval.

B. Location. Establishments selling hay grown on-site may be on a local road. Other farm equipment and supplies sales, and the sale of hay and feed not grown on-site shall be located on a collector or arterial.

C. Minimum site area. None required.

D. Setbacks. As set forth in Section 22.30.060 (Agricultural Accessory Structures).

E. Parking. To be provided in compliance with Chapter 22.18, except that establishments selling hay and feed exclusively may provide parking in the form of an open yard adjacent to the sales activities, with an area equivalent to 400 square feet per space required. The dimensions of the overall area shall be sufficiently large to enable customer vehicles to turn around before exiting the site.

[Amended 1992, Ord. 2553] *[22.08.048]*

22.30.220 - Fuel Dealers

A. Minimum site area. 20,000 square feet.

B. Location. For aboveground fuel tank storage, no closer than 500 feet to a residential category. No location limitation for establishments using underground storage only.

C. Site design. Where storage yards or outdoor activity areas are proposed, they are subject to the provisions of Section 22.30.146 (Storage Yards).

D. Setbacks. All aboveground fuel storage facilities shall be no closer than 50 feet to any property line or any residential use.

[Amended 1992; Ord. 2553] *[22.08.088]*

22.30.225 - General Retail

This section applies only to Medical Marijuana Dispensaries when proposed in the Commercial Retail or Commercial Service land use categories and outside of the Central Business District (CBD). Other General Retail uses are subject to the land use permit required by 22.06.030 (Table 2-2). A Medical Marijuana Dispensary is defined as a facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215).

A. Purpose. The voters of the State of California affirmed the medical use of marijuana by voting for Proposition 215 (codified as Health & Safety Code Section 11362.5). The intent of this Proposition was to give persons who are in need of medical of marijuana the ability to obtain and use it without fear of criminal prosecution. The specific purpose of this Section is to set standards for this use consistent with neighborhood concerns.

B. Permit requirements. Minor Use Permit approval is required in order to establish a Medical Marijuana Dispensary.

C. Design and operational standards.

1. **Location.** Medical Marijuana Dispensaries shall be located outside of the CBD, a minimum of 1000 feet from any pre-school, elementary school, high school, library, park, playground, recreation or youth center. Distance shall be measured from the building which contains the Medical Marijuana Dispensary to the property line of the enumerated use using a direct straight line measurement.

2. **Limitation on use.**

   a. Hours of operation are limited to 11:00 a.m. to 6:00 p.m. seven days per week.

   b. No person under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of his/her parent or guardian.

   c. No retail sales of paraphernalia as defined in Health and Safety Code section 11364.5 are permitted at the Dispensary.

   d. No cultivation of medical marijuana is permitted at the Dispensary or on Dispensary property.

3. **Employees.** All staff/employees employed by the Medical Marijuana Dispensary must be 21 years of age or older.

4. **Security Plan.** A security plan shall be submitted with the Minor Use Permit Application that includes lighting, security video cameras, alarm systems and secure area for medical marijuana storage. The Security Plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.

5. **Displayed notice**. Each Dispensary, inside of the Dispensary itself, shall display in a manner legible and visible to its clientele:

   a. Notice that persons under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;

   b. Notice that there is no consumption of medical marijuana in the vicinity of the Dispensary.

6. **Sheriff notification**. A condition to establishment of a Medical Marijuana Dispensary shall be notification to the Sheriff's Department informing it of the name, location and contact information for the owner/operator of the Dispensary.

[Added 2006, Ord. 3114]

22.30.230 - Home Occupations

A. Permit requirement. As required by Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements), except for garage sales (see Subsection G.1) which require no land use permit, but are subject to Business License Clearance if required by the County Tax Collector.

B. Appearance, visibility and location. The standards of this Section determine what physical changes may occur in a dwelling unit to accommodate a home occupation, and where on a residential site a home occupation may be conducted.

1. **Changes to the dwelling.** The home occupation shall not change the residential character of the outside appearance of the building, either by the use of colors; materials; lighting; signs; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

2. **Display of products.** The display of home occupation products for sale, in a manner visible from the public street or adjoining properties is prohibited.

3. **Outdoor activities.** On sites of less than one acre the use shall be conducted entirely within a principal or accessory structure; except instructional activities that must be performed outdoors, and in the case of pottery or ceramics production, one relocatable kiln with a maximum interior volume of 36 cubic feet may be located in a rear yard when all other associated pottery or ceramics production activities (except pottery drying) occur indoors. Outdoor storage of materials related to the home occupation is allowed only on one acre or larger (except as otherwise provided by Section 22.30.040 - Accessory Storage), where such storage is to be screened from view of any public road or adjacent property.

4. **Use of garage or accessory structure.** The use of a garage or accessory structure is allowed subject to the size limitations of Sections 22.30.410.C and G.(Residential Accessory Uses - Garages and Workshops, respectively), except that the conduct of the home occupation shall not preclude the use of the garage for vehicle parking on a daily basis. If a garage is used for a home occupation on a site less than one acre, the garage door shall not be left open in order to conduct the home occupation.

C. Area devoted to a home occupation. The home occupation shall be incidental and subordinate to the principal use of the site as a residence.

D. Employees. No person other than members of the household residing on the premises may be employed and working on the site.

E. Hours of operation. Hours of operation are unrestricted except that home occupations which generate sounds audible from off-site shall be limited to the hours from 7 A.M. to 10 P.M., provided that such home occupation complies with the standards of Section 22.10.120 (Noise Standards).

F. Limits on the kinds of home occupations allowable. Subject to the rest of this Section, allowable home occupations consist of the following.

1. **Offices and personal services.** Office-type or personal services (including personal instruction such as music lessons, and counseling services) that do not involve the presence of more than one client vehicle at any time; and other services (e.g. repair, maintenance, etc.) that are performed on the premises of a client.

2. **Handcrafts.** Handcraft or artwork production, including but not limited to pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography.

3. **Home distributors.** The personal sale of cosmetics, personal or household products (except appliances), when such sales occur on the premises of the purchaser, provided that wholesale sales may occur in compliance with Subsection G.

4. **Offices for off-site businesses.** Offices for off-site businesses (e.g., contractors, etc.) where the home site is used for phone answering and bookkeeping only, and there is no on-site storage of materials or equipment related to the business.

Provided that no home occupation is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise (see Section 22.10.120 - Noise Standards), dust, odor or vibration detrimental to occupants of adjoining dwellings.

G. Sale of products. On-site retail sales of the products of a home occupation are prohibited, except for the following

1. **Garage sales.** Garage sales, or the sale of handcrafted items and artwork produced on-site are allowed not more than twice per year, for a maximum of two days per sale.

2. **Home distributors.** Home distributors of cosmetics and personal or household products may supply other approved home occupation proprietors.

3. **Animal sales.** The sale of animals in conjunction with an animal keeping operation approved in compliance with Section 22.30.044, where the sales are also approved in compliance with Chapter 9.04 of this Code (Animal Regulations).

H. Signs. Signs shall be limited to one non-illuminated identification sign with a maximum area of two square feet, in compliance with Chapter 22.20 (Sign Standards). A commercial vehicle displaying any sign identifying the home occupation and parked on or adjacent to the residential site visible from the public street is included in determining the maximum allowable area of on-site fixed signs.

I. Parking and traffic. The traffic generated by a home occupation shall not exceed 10 trips per day, and shall only involve types of vehicles normally associated with a home in a residential neighborhood, except in compliance with Section 22.30.040.B.1. All parking needs of the home occupation shall be met off the street. This Subsection does not apply to garage or handcraft sales in compliance with to Subsection G.1.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1992, Ord. 2553; 1999, Ord. 2880.] *[22.08.030]*

22.30.240 - Indoor Amusement and Recreation Facilities

This Section applies only to the specific uses listed.

A. Limitation on use - Office and Professional category. Amusement and recreational service uses allowed in the Office and Professional land use category are limited to indoor facilities including gymnasiums, reducing salons, health and athletic clubs (including indoor sauna, spa or hot tub facilities), racquetball, handball and other similar indoor sports activities.

B. General permit requirement. Site Plan Review, except where otherwise provided in Subsection C.

C. Requirements for specific uses.

1. Electronic game arcades. These provisions apply to establishments containing five or more electronic games or coin-operated amusements; four or fewer are not considered as a land use separate from the primary use of the site.

a. Limitation on use. Arcades are allowable only in the Recreation and Commercial Retail land use categories.

b. Permit requirement. Minor Use Permit.

c. Location criteria. Arcades shall be at least 1,000 feet from any elementary or secondary school site and at least 200 feet from any Residential land use category.

d. Building requirements. Arcades shall be located within a completely enclosed building, in space separate from other uses on the same site, so designed as to prevent excessive noise, glare or other offensive factor from affecting other uses in the immediate vicinity. The arcade shall be designed and arranged to that there is a management attendant within the arcade at all times. Adequate space shall be provided to allow the use of each machine and unimpaired access throughout the arcade without overcrowding.

e. Parking. See Chapter 22.18.

f. Signs. Arcades shall be posted with readily visible signs, with their location, size and text described in the Minor Use Permit application, indicating that persons under the age of 16 shall not be permitted on the premises during normal school hours.

2. **Card rooms.** These provisions apply to the establishment of card rooms. For the purposes of this Section, a card room is defined as being an establishment only for the purposes of playing card games as authorized by state statutes and local ordinance.

   a. **Permit requirement.** Conditional Use Permit approval.

   b. **Limitation on use.** Card rooms are limited to a maximum of four tables. A table, for the purposes of this Section, is defined as serving no more than 10 seated customers at one time.

   c. **Location criteria.** Card rooms shall be located at least 300 feet from any parcel on which there is located any public library, public, private, or parochial school or preschool, church, city, district, county or state owned, operated and maintained public park, playground, beach or other facility and 200 feet from any land located within an Agriculture, Rural Lands or residential land use category.

   d. **Measure of distances.** The distances referenced above shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the card room to closest property line of the library, school, church, park, Agriculture, Rural Lands or residential land use category.

   e. **Additional findings required.** The Review Authority may approve, or conditionally approve a land use permit only if, in addition to the findings of fact required to be made by Section 22.62.060.C.4, it makes the following findings of fact:

      (1) The proposed use will not be contrary to the public interest or injurious to nearby properties.

      (2) The establishment of the use will not be contrary to any program of neighborhood preservation nor will it interfere with any program of urban renewal.

   f. **Exceptions.** Alternatives to the location criteria of Subsection C.2.c may be approved by the Review Authority in compliance with Section 22.30.020.B. These standards are the only provisions of this Section subject to this action.

[Amended 1992, Ord. 2553; 1995, Ord. 2714] *[22.08.062]*

22.30.250 - Libraries and Museums

A. Limitation on use. In the Agriculture or Rural Lands land use categories, libraries and museums are allowable only where the facility displays items primarily of agricultural, local historical, ecological, or environmental interest.

B. Limitation on project area. In the Agriculture land use category, no development shall occur on prime agricultural soils, and the total area of site disturbance shall not exceed two percent of the gross site area or one acre, whichever is greater.

C. Access and circulation. Direct access shall be provided from a county-maintained road, unless otherwise approved through a Minor Use Permit or Conditional Use Permit. The project shall not result in an adverse impact to the circulation system.

D. Setbacks. In the Agriculture, Rural Lands and Residential Rural land use categories, all structures shall be set back a minimum of 50 feet from all property lines and a minimum of 100 feet from a dwelling on any other property.

E. Retail sales. In the Agriculture, Rural Lands, Residential Rural, Office and Professional, and Public Facilities land use categories, libraries and museums may include the incidental retail sales of books, gifts, souvenirs, and other items only if they are related to the items being exhibited.

F. Required findings. A land use permit may be approved only where the Review Authority makes the following findings in addition to those required in Sections 22.62.060.C.4:

1. The use will not adversely affect or conflict with surrounding agricultural lands and uses and will not adversely affect water supplies for existing or expanded agricultural uses; and

2. The project will be designed and developed in a manner that protects environmentally sensitive resources.

[Added 1993, Ord. 2615] *[22.08.076]*

22.30.260 - Lodging - Bed and Breakfast Facilities

The following standards apply to bed and breakfast facilities located in other than the Recreation, Office and Commercial land use categories. A bed and breakfast in the Recreation, Office and Professional and Commercial categories is instead subject to the provisions of Section 22.30.280 (Hotels and Motels). This Section does not apply to the rental of bedrooms in a residence to the same tenants for longer than seven days, although the County Tax Collector may still require special fees and/or licensing for any residential rental less than 30 days.

A. Limitations on use.

1. A bed and breakfast shall be established only in a single family dwelling that has been determined by the Review Authority to be of historical or architectural interest except:

   a. Where the bed and breakfast is located on a site in the Agriculture, Rural Lands and Residential Rural categories with an existing conforming visitor-serving facility (e.g., winery, riding stable, health resort), it may be established in one structure, with an exterior design style that is residential or agricultural in appearance, built expressly for a bed and breakfast inn where the facility is approved with a Conditional Use Permit. The bed and breakfast inn shall be clearly incidental, related and subordinate to the primary operation of the winery as a production facility or the visitor serving use where the use is not a winery.

      (1) The bed and breakfast inn shall be located on the same legal parcel as, and within 100 feet of, the existing conforming visitor serving use. A bed breakfast may be located farther from the existing conforming visitor serving use where the Review Authority make the following findings: (1) the site of the proposed use does not contain Class I, II or III soils; and (2) on-site access, visual concerns and grading or other environmental issues can be better addressed through a larger distance.

      (2) A bed and breakfast inn authorized in compliance with Subsection A.1.a. may be allowed in addition to the number of dwellings allowed by Section 22.10.130.

      (2) A bed and breakfast authorized in compliance with Subsection A.1.a shall only be subject to the provisions of Subsections B., D., E., and F. Additional operational standards shall be set through Conditional Use Permit approval.

2. A bed and breakfast with three or fewer guest rooms shall be conducted to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

B. Limitation on size. A bed and breakfast shall provide no more than the following number of guest rooms. Except for facilities proposed in compliance with Subsection A.1.a., the rest of the dwelling shall solely be used by the family in permanent residence. Where a bed and breakfast inn is proposed as provided for in Subsection A.1.a., a family does not need to be in permanent residence within the inn.

1. A bed and breakfast in the Agriculture, Rural Lands, Residential Rural and Residential Multi-Family categories may be approved with a maximum of eight guest rooms.

2. A bed and breakfast in the Residential Suburban category shall provide no more than three guest rooms.

C. Expansion of existing building. Physical expansion of a residence to accommodate bed and breakfast facilities or operations shall be limited to 15 percent of the existing floor area, through Zoning Clearance where the residence contains three or less guest rooms and through Minor Use Permit approval where the residence contains four or more guest rooms.

D. Location. Within the Residential Suburban land use category, no bed and breakfast facility shall be located within 500 feet of a parcel on which is located any other bed and breakfast facility. The site of a bed and breakfast inn established in compliance with Subsection A.1.a shall be located within 5 miles from an urban or village reserve line, on or within one mile of an arterial or collector, 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant.

E Minimum site area.

1. One acre in rural areas; except in cases where the bed and breakfast is being requested in compliance with Subsection A.1.a., a 10 acre minimum site area is required.

2. Equal to the minimum parcel size required by Chapter 22.22 in urban and village areas.

F. Parking required. Two spaces, plus one space per transient lodging unit. Bed and breakfast facilities shall not use on-street parking for the bed and breakfast operation or the resident family at any time. For the purpose of determining parking lot construction standards in compliance with Chapter 22.18, the parking lot turnover for a bed and breakfast facility is medium.

G. Operation. A bed and breakfast with three or less guest rooms shall be subject to the provisions of Subsections 22.30.230.B, C., D., E., G., H., and I, for home occupations.

[Added 1981, Ord. 2063; Amended 1982, Ord. 2091; 1984, Ord. 2163, Ord. 2164; 1985, Ord. 2213; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648; 1995, Ord. 2741; 2001, Ord. 2942] *[22.08.261]*

22.30.270 - Lodging - Homestays

The following standards apply to Homestays in the Residential Suburban or Residential Single Family land use categories. The provisions of this Section do not apply to the rental of bedrooms in a residence to the same tenant for longer than seven days, although the County Tax Collector may still require special fees and/or licensing for any residential rental less than 30 days.

A. Limitation on use. A homestay shall be:

1. Established only in an existing single-family dwelling; and

2. Conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

B. Limitation on size. A homestay shall provide no more than the following number of guest rooms, with the rest of the dwelling being used solely by the family in residence.

1. A homestay in the Residential Suburban or Residential Single Family land use category shall provide no more than two guest rooms.

2. A homestay providing more than two guest rooms in the Residential Suburban land use category shall be considered a bed and breakfast. A homestay providing more than two guest rooms in the Residential Single Family land use category shall not be allowed.

E. Expansion of existing building. Physical expansion of a residence to specifically accommodate homestay facilities or operations shall not be allowed.

F. Minimum site area.

1. One acre in the Residential Suburban category.

2. Equal to the minimum site area required by Section 22.10.110 for residential uses in the Residential Single Family category.

G. Parking. Two spaces, plus one space for each bedroom used as a transient lodging unit. Homestay facilities shall not use on-street parking for the homestay operation or the resident family. For the purposes of determining parking area construction standards in compliance with Chapter 22.18, the parking lot turnover for homestays is medium.

H. Operation. A homestay shall be subject to the provisions of Subsections 22.30.230.A, B., C., D., and E. for home occupations.

I. Exceptions to the standards. None of the standards in this Section shall be waived or modified using the exception provisions of Section 22.30.020.

[Added 1995, Ord. 2741] *[22.08.265]*

22.30.280 - Lodging - Hotels and Motels

A. Limitation on use. Transient lodgings in the Public Facilities category are limited to hotel and motels in conjunction with public airport or port facilities.

B. Density. The density of a hotel or motel is not limited by this Title except that a site for such use shall be designed to accommodate all proposed units while also satisfying all applicable height, setback, parking and other standards of this Title without the need for modification, adjustment or variance of such standards.

C. Parking. Hotels and motels shall provide off-street parking as set forth in Chapter 22.18 for transient lodgings. In the event that a hotel or motel includes any facilities in addition to overnight units (e.g., restaurant, bar, meeting rooms, etc.), all additional facilities shall be provided off-street parking as required by Chapter 22.18, in addition to the parking required for the hotel or motel.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1992, Ord. 2553] *[22.08.262]*

22.30.290 - Lodging - Hotels, Motels - Condominium or Planned Development

The following standards apply to hotels and motels that are condominium or planned development projects as defined in Civil Code Section 1351.

A. Limitation on use. Uses shall be limited as provided by Section 22.30.280.

B. Required finding. A Conditional Use Permit may be approved only if the Review Authority first finds that the proposal will not reduce the availability of accommodations for overnight or transient occupancy by the general public, tourists and visitors compared to a conventional hotel or motel.

C. Density. The density of hotel and motel units shall be as provided in Section 22.30.280.

D. Design standards.

1. **Required hotel, motel facilities.** Each hotel or motel shall include a reception lobby area, office space for administrative use, service areas and facilities for employees (such as a lounge, lockers and showers), and laundry facilities for use by the hotel or motel. This standard may be waived if the Review Authority determines that provision of any or all of the required facilities is unnecessary due to the size or particular nature of the hotel or motel.

2. **Other facilities.** The size of individual units, the number of kitchens and the amount of personal storage space shall be determined by the Review Authority through Conditional Use Permit approval.

3. **Parking.** Parking shall be provided as stated in Section 22.30.280, provided that the required ratio of parking for hotel and motel units (excluding additional facilities) shall not be exceeded. The Review Authority may require additional parking spaces for the exclusive parking of recreational vehicles.

E. Occupancy.

1. No person or persons shall occupy a hotel or motel unit for more than 29 consecutive days except for employees of the hotel or motel.

2. No owner or owners holding separate interest in a hotel or motel unit shall occupy that unit more than a total of 84 days per year, including no more than a total of 14 days during the period from Memorial Day to Labor Day.

3. The occupancy standards in Subsections E.1 and E.2 shall be included in the declaration of conditions, covenants and restrictions and recorded against all individual property titles.

F. Administration. A management entity shall be formed to manage the operation of the hotel or motel. The management shall have sole responsibility for providing room accommodation services and transient occupancy tax reporting. Transient occupancy tax shall be collected for all units except for the manager's unit. No owner or owners holding separate interest in a hotel or motel unit shall rent or lease that unit or otherwise offer accommodations to any other person or persons. The provisions of this Subsection shall be included in the declaration of conditions, covenants and restrictions and recorded against all individual property titles.

G. Reporting requirement. A report shall be submitted periodically to the Department of Planning and Building by the hotel or motel management at intervals to be determined by the Review Authority through Conditional Use Permit approval. The report shall state the total number of days that each unit was occupied in the preceding year, including occupancies by guests and the owners of each unit.

H. Conditions of approval. The Review Authority may adopt conditions of approval which are necessary in order to ensure compliance with the standards of this Section and to ensure that the design, operation and occupancy of the hotel or motel will serve primarily the general public, tourists and visitors for overnight or transient lodging.

[Added 1994, Ord. 2696] *[22.08.264]*

22.30.300 - Lodging - Recreational Vehicle (RV) Parks

The provisions of this Section apply to all recreational vehicle parks and commercial campgrounds, including any separate designated section of a mobile home park located in the Recreation category. These standards apply in addition to all applicable provisions of Title 25 of the California Code of Regulations, and any permit requirements of the California Department of Housing and Community Development.

A. Location criteria.

1. **Limited visibility required.** Approval of a Conditional Use Permit application by the Commission shall include a finding that the recreational vehicle park will not be excessively visible from a public road or residential use, or that its visibility will be acceptably mitigated.

2. **Parks in Commercial categories.** An RV park in the Commercial Retail or Commercial Service Categories shall be located on a collector, arterial or frontage road, within one mile from one of the following state highways or frontage roads thereto: 1, 41, 46, 58, 101, or 166. The mile shall be measured along the shortest length of public roads between the proposed site and the applicable state highway.

B. Minimum site area.

1. **RV park site.** 10 acres outside an urban or village reserve line; five acres within a reserve line.

2. **Individual RV spaces.** 20 foot width; 750 square foot area.

C. Density. Maximum density shall be 15 RV units per gross acre, not including any exterior public street right-of-way.

D. Site design standards.

1. **Setbacks.** No part of a recreational vehicle shall be located closer than 25 feet to any street property line, and no closer than 30 feet to any interior property line. No RV or tent shall be located closer than 10 feet to any other RV or tent.

2. **Recreation area and common open space.** "Destination" RV parks (intended for more than overnight use) shall include common areas for recreational use by park occupants in addition to required setbacks. These areas shall include landscaped, common open space for passive recreation and active recreation facilities. Active recreation facilities may include swimming pools, tennis and handball courts, recreation buildings, and barbecue areas. These recreation areas shall be provided as follows.

   a. Parks with uninterrupted pedestrian access to, or located within 1,000 feet of a major public recreational facility including beach frontage, lakes or reservoirs are not required to provide recreation areas, except for playground facilities as specified by Subsection D.3.

   b. Parks located within one mile of major public recreational facilities or within 1,000 feet of public hiking or riding trails or forested areas shall provide 400 square feet of recreation or common open space per unit, of which 20 percent shall be designed for active recreation.

   c. Parks not meeting the criteria of Subsections D.2.a or D.2.b shall provide 500 square feet of recreation or common open space per unit, of which 30 percent shall be designed for active recreation.

3. **Playgrounds.** In addition to any recreation areas required by Subsection D.2, at least one 800 square foot children's playground shall be provided for a park with 20 or more spaces, at a ratio of one such 800 square foot area for each 60 RV spaces or campsites, or fraction thereof. The playground shall be equipped with any of the following: swings, slides, climbing structures of timber, concrete or other material finished to eliminate sharp edges and minimize splinters, or other equipment which is ridden.

4. **Internal streets.**

   a. **Width.** The width of roads and driveways within an RV park shall be as follows.

      (1) **One-way:** 18 feet if the road serves 60 spaces or more; 15 feet if road serves less than 60 spaces; 12 feet for one-way internal road between campsite clusters without individual space access.

      (2) **Two-way divided:** 15 feet on each side of divider.

      (3) **Two-way:** 24 feet.

   b. **Parking.** Parking along internal roadways is allowed only when a paved parking lane, eight feet wide is provided in addition to the roadway.

   c. **Road improvement standard.** Two inches of A.C. plant mix over six inches of Class II Aggregate Base or equivalent structural section based on a Traffic Index of 4. For seasonal-occupancy parks in rural areas, or where density does not exceed 10 spaces per acre, double chip seal may be substituted for the two inches of A.C. Alternative hard-surface paving materials are allowable subject to approval by the County Engineer.

5. **Utilities.**

   a. **Water.** All recreational vehicle spaces shall be provided water supply hookups. Tent camping spaces shall have water service for each 10 spaces, but not located within 20 feet of a designated tent site. When common water supply facilities are provided in the form of hose bibs, they shall be over a drain-equipped concrete pad, rock bed or other construction to prevent the creation of mud as a result of water supply use.

   b. **Holding tank dump.** All recreational vehicle parks shall be provided with one holding tank dumping facility for each 100 RV spaces or fraction thereof, to be located near park exits.

   c. **Restrooms.** No space or campsite shall be located closer than 25 feet, nor further than 400 feet from a public restroom facility.

6. **Fencing and screening.** A solid wood or masonry six foot high solid fence, screen or hedge will be required along all property lines and front yard setbacks. In addition, recreational vehicle spaces should be generally screened from adjacent properties and public roads by means of natural landscaping, terrain variations and distance. Where a proposed park will be visible from a major highway or freeway, additional screening landscaping will be required, which shall use plant materials with the capability of achieving 80 percent opacity within two years when viewed from the roadway. The Commission may waive or adjust fencing and screening standards where terrain, natural vegetation or area character would make screening unnecessary or ineffective.

   a. **Street trees.** Street trees shall be planted where the park abuts a public road right-of-way. Trees shall be planted at 20 foot intervals, or at more frequent intervals if appropriate for the species selected. Varied groupings are encouraged with linear plantings to be varied in setback.

   b. **Interior trees.** Trees shall be planted in the park interior in all common and recreation areas.

[Amended 1994, Ord. 2696] *[22.08.266]*

22.30.310 - Nursery Specialties

The following standards apply to the production and sale of ornamental plants and other nursery products, grown under cover, outdoors or in greenhouses: including bulbs, flowers, shrubbery, florist greens, fruit stock, floral products, nursery stock, ornamental plants (including potted plants), seed, sod, and food crops (including vegetables):

A. Agriculture and Rural Lands land use categories.

1. **Limitation on use.** Nursery specialty operations including outdoor nursery specialties, greenhouses and retail sales, are allowed in the Agriculture and Rural Lands land use categories. Roadside stands are subject to Section 22.30.510 (Roadside Stands).

2. **Permit requirement.**

   a. **Outdoor nursery specialties.** No permit required.

   b. **Greenhouses.** Zoning Clearance approval.

   c. **Retail sales.** No permit required if no structures are proposed to house product displays or sales activities, and all products sold are produced on-site. Permanent retail facilities require Conditional Use Permit approval.

3. **Minimum site area.** No minimum area.

4. **Location.** Nursery specialty operations engaging in retail sales in the Agriculture or Rural Lands categories shall be located on a collector or arterial.

5. **Setbacks.** As required by Section 22.30.060 (Agricultural Accessory Structures), unless the Uniform Building Code would require a larger setback because of construction materials.

B. Residential Rural land use category.

1. **Limitation on use.** Nursery specialty operations are limited to outdoor nursery specialties and greenhouses in the Residential Rural land use category. No on-site retail sales are allowed except as provided by Sections 22.30.510 (Roadside stands - Residential categories), and 22.30.330.F (Seasonal or Temporary sales).

2. **Permit requirement.**

   a. **Outdoor nursery specialties.** No permit required.

b. Greenhouses. The land use permit requirement for greenhouses shall be based on the floor area of the facility, as required by the following table.

Existing Road Improvement (1)	**Permit Requirement Based on Floor Area of Greenhouse** (in square feet)			
	Less than 20,000	**20,000 to 39,999**	**40,000 to 74,999**	**75,000 and more**
Unpaved	Zoning Clearance	Site Plan Review (4)	Minor Use Permit	Conditional Use Permit
Double Chip Seal (2)	Zoning Clearance	Zoning Clearance	Site Plan Review (5)	Minor Use Permit
Paved (3)	Zoning Clearance	Zoning Clearance	Zoning Clearance	Site Plan Review (5)

Notes:

1. From the property frontage to the nearest county-maintained road.
2. Surface shall be a bituminous seal on base in compliance with Section 36 of the CalTrans standard specifications and in conformance with the width and grade requirements of Section 22.54.020.E.
3. Surface shall be asphalt or concrete as specified in the San Luis Obispo Standard Specifications and Improvement Drawings and in conformance with the width and grade requirements of Section 22.54.020.E.
4. Greenhouses on an unpaved road shall provide at a minimum, the following, in order to mitigate the air pollution (i.e.: dust) effects created by the use:
   a. A mitigation plan for continuing dust control from the property frontage to the nearest county-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust reducing technology. The plan and all modifications to the plan are subject to review and approval by the Director.
   b. Evidence of road maintenance provided by the County, state, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
   c. An agreement, to support and not protest:
      (1) The formation of an assessment district or;
      (2) The creation of another funding mechanism.

      The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality rate or other term or condition of the assessment or funding mechanism.
5. Greenhouses on a double chip seal road shall provide, at a minimum, the following in order to guarantee continued maintenance and to mitigate air pollution (i.e.: dust) effects created by the use:
   a. Evidence of road maintenance provided by the County, state, special district, homeowners association or other organized maintenance, such as a road maintenance agreement.
   b. An agreement, to support and not protest:
      (1) the formation of an assessment district or;
      (2) the creation of another funding mechanism.

   The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality rate or other term or condition of the assessment or funding mechanism.

3. **Minimum site area.** 5 acres.

4. **Setbacks.** Front - 80 feet; Side and Rear - 100 feet. Side and rear setbacks may be reduced to 50 feet (or as required by the Uniform Building Code, whichever is larger) where solid fencing or landscape screening meeting the standards of Section 22.10.080 is provided, or as otherwise determined by Minor Use Permit or Conditional Use Permit approval.

5. **Design Standards.** Greenhouses shall use open ventilation. If exhaust fans are necessary, the fans shall be located away from non-agricultural land uses where feasible, and should maximize energy efficiency. Greenhouses shall be screened at least 50 percent from public roads, unless one of the following conditions exist: (1) screening will create a fire hazard as determined by CDF; (2) screening will restrict provision of the sunlight necessary for the operation of the greenhouse or will affect the certification of the greenhouse; or (3) screening is not possible, practical or feasible due to existing topographic conditions. The screening may include measures such as landscape or existing vegetative screening (to ensure at least 50 percent screening of the structures at plant maturity), berming, and/or arrangement of the structures on the site to minimize bulky appearance. Perimeter access roads on the site of a greenhouse operation within 25 feet of property lines shall have a continuing program for dust control meeting the provisions of Note 4a in Subsection B.

C. Residential Suburban land use category.

1. **Limitation on use.** Nursery specialty operations are limited to outdoor nursery specialties in the Residential Suburban land use category. Greenhouses other than accessory greenhouses (Section 22.30.410.D) are not allowed unless authorized by Conditional Use Permit approval in compliance with Subsection B.2.b. No on-site retail sales are allowed except as provided by Sections 22.30.510 (Roadside stands - Residential categories), and 22.30.330.F (Outdoor Retail Sales).

2. **Permit requirement.**

   a. **Outdoor nursery specialties.** No permit required.

   b. **Greenhouses.** As set forth in Section 22.30.410.D for accessory greenhouses. Conditional Use Permit approval when the total area of greenhouse is larger than that set for an accessory greenhouse in Section 22.30.410.D.

3. **Minimum site area.** None for outdoor nursery specialties. To be determined by Conditional Use Permit approval for greenhouse facilities, except accessory greenhouses (see Section 22.30.410.D).

4. **Setbacks.** As required by Section 22.30.060 (Agricultural Accessory Structures) for accessory greenhouses; to be determined through Conditional Use Permit approval for other than accessory greenhouse.

D. Commercial and Industrial land use categories.

1. **Limitation on use.** Nursery specialty operations including outdoor nursery specialties, greenhouses and retail sales are allowed in the Commercial Service and Industrial land use categories. Nursery specialty operations are limited to retail sales in the Commercial Retail land use category.

2. **Permit requirement.**

   a. **Outdoor nursery specialties.** No permit required.

   b. **Greenhouses.** Zoning Clearance approval.

   c. **Retail sales.** Site Plan Review. Minor Use Permit approval where outdoor sales areas located in a Commercial Retail category do not meet the standards as set forth in Subsection D.5.

3. **Minimum site area.** No minimum area.

4. **Setbacks.** As required by Section 22.10.140 (Setbacks).

5. **Design standards.** Outdoor sales areas of products other than plant materials in the Commercial Retail category shall be located behind commercial structures or at the rear of the lot. Minor Use Permit approval may authorize outdoor retail sales in other locations on the site where such sales area is consistent with surrounding retail development.

E. Effect on previously established nursery specialties. Where a nursery specialty that was lawfully established prior to October 11, 1994 does not meet the standards of this Section, the permit requirement will be determined by considering only facilities proposed after October 11, 1994. A destroyed nursery specialty lawfully established prior to October 11, 1994 may be restored to its former status, provided that the floor area or the footprint shall not be enlarged or altered from its previous condition.

[Amended 1981, Ord. 2089; 1983, Ord. 2648; 1984, Ord. 2163; 1994, Ord. 2696; 1999, Ord. 2880] *[22.08.054]*

22.30.320 - Nursing and Personal Care

Allowable in the Residential Suburban, Residential Multi-Family and Commercial Retail categories subject to the following provisions.

A. Location. Nursing and personal care facilities shall be located within an urban or village reserve line.

B. Minimum site area. 20,000 square feet.

C. Parking requirement. One space per four beds. The Commission may reduce such requirements where it can be found that parking needs are less than required because of the nature of the facility or residents, and that other transportation is available to the facility as part of the program of care.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.08.108]*

22.30.330 - Outdoor Retail Sales

This Section provides standards for the conduct of temporary outdoor retail sales activities including farmers' markets, home sales, sales from individual vehicles, seasonal sales and sidewalk sales. Permanent outdoor retail sales activities are subject to Section 22.30.530 (Sales lots and Swap Meets) and Section 22.30.510 (Roadside Stands). [Amended 1982, Ord. 2091]

A. General requirements. The following standards apply to all temporary outdoor retail sales activities unless otherwise provided in Subsections B. through G.

1. **Permit requirement.** Business License Clearance.

2. **Hours of operation.** Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Except where otherwise provided by this Section, night operations are allowed only when specifically authorized through Conditional Use Permit approval.

3. **Parking requirement.** None, provided sufficient open area is available to accommodate all employee and customer parking needs either on the site or on adjoining property, entirely outside of public rights-of-way other than designated parking spaces.

4. **Food sales.** The sale of raw or processed foodstuffs is subject to Chapter 8.04 of the County Code (Food and Drink Establishments), and any other applicable regulations of the County Health Department or Agricultural Commissioner.

5. **Signs.** Signs allowed in conjunction with outdoor retail sales are subject to the provisions of Chapter 22.20 except where otherwise provided in this Section.

B. Art and craft sales. The temporary outdoor sale of handcrafted items and artwork is allowed only in conjunction with a temporary event (Section 22.30.610), except as otherwise provided by this Section.

C. Farmers' markets. A farmers' market in compliance with this Section is the temporary use of a site for the sale of food and farm produce items from parked vehicles. Farmers' markets are subject to all applicable provisions of Sections 1392 et seq. of the California Food and Agriculture Code. (The sale of agricultural products in roadside stands is subject to Section 22.30.056; the sale of seasonal agricultural products is subject to Subsection F.)

1. **Permit requirement.** Minor Use Permit approval.

2. **Limitation on use.** Farmers' markets are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants and cut flowers.

3. **Location.** Farmers' markets are limited to the Agriculture, Commercial, Industrial, Public Facilities and Recreation land use categories.

4. **Duration of use.** Farmers' markets shall occur no more than three days per week on any site, unless the Minor Use Permit approval specifically authorizes a longer duration.

D. **Home sales.** Garage sales and the temporary sale of handcrafted items and artwork produced by an authorized home occupation are allowable as set forth in Section 22.30.230.G.1.

E. **Sales from parked vehicles or temporary stands.** This use involves the retail sale of various commodities from a vehicle or temporary, portable stand, parked or located outside the public right-of-way. Sales from a vehicle within the public right-of-way are subject to Title 6 of the County Code. Sales lots and swap meets are subject to Section 22.30.530. Farmers markets are subject to Subsection C.

1. **Permit requirement.** Business License Clearance. When submitted to the Department of Planning and Building for approval, the Business License application shall be accompanied by the following:

   a. A site layout plan showing the location of proposed sales in relation to other uses, buildings and activities on the site; and

   b. Written authorization from the owner of the site proposed for the sales use; and

   c. A statement of intent shall be filed with the Planning and Building Department at the time of Business License Clearance, which shall include the applicant's acknowledgment of acceptance of the responsibility to conduct business operations in conformity with this Section and all other applicable requirements.

2. **Location.** Sales from vehicles are not to occur in any Residential or Office and Professional land use category and are limited to a maximum of one such operation per legal lot and no more than one vendor per 300 lineal feet of street frontage, unless the subject site is authorized as a farmers' market in compliance with Subsection C., or a swap meet in compliance with Section 22.30.530.

3. **Duration of use.** Sales from vehicles shall occur no more than two days per week, except that such sales may also occur on national and state holidays. More frequent use may be authorized through Minor Use Permit approval.

4. **Operational standards.** When not in use, any commercial vehicle from which sales are conducted shall be stored within an enclosed garage, or on a site in a Commercial or Industrial category.

5. **Signs.** Signs for sales from vehicles are limited to a maximum aggregate area of 20 square feet.

F. **Seasonal sales.** Seasonal sales include the retail sale of seasonal products such as pumpkins and Christmas trees. Where allowed, fireworks sales are subject to the requirements of the applicable fire protection agency, in addition to the requirements of this Section.

1. **Time limit.** The length of time during which seasonal sales may occur is as follows.

   a. **Seasonal products grown on-site.** When the seasonal products sold are produced by an on-site agricultural operation, no time limit applies, provided that such sales are conducted in compliance with Section 22.30.510 (Roadside Stands).

   b. **Non-agricultural or off-site products.** The seasonal sale of non-agricultural products, or agricultural products grown in a location separate from sales, is limited to 45 days.

2. **Location.** Seasonal sales shall be conducted only in the land use categories authorized for this use by Section 22.06.030 (Allowable Land Uses and Permit Requirements) in the following locations:

   a. On the site where the seasonal agricultural products were grown; or

   b. Outside of any public road right-of-way unless an encroachment permit is approved by County Public Works. A shopping center parking lot may be used only where no more than 20 percent of the parking spaces shall be occupied by seasonal sales activities.

3. **Guarantee of site restoration.** A bond or cash deposit is required to guarantee site restoration after use, and operation in compliance with the standards of this Section, except when sales of agricultural seasonal products occur on the site where they are grown. When required, the guarantee shall be in the form established by Section 22.64.040 (Performance Guarantees), in the amount of $50.00 for each 5,000 square feet of use area.

4. **Hours of operation.** Between 7 A.M. and 10 P.M. when located in the Agriculture, Rural Lands, Residential Rural or Recreation categories; no limitation in other categories.

G. Sidewalk and parking lot sales. Sidewalk and parking lot sales in the Commercial Retail category shall comply with the following requirements. Parking lot sales differ from "sales from parked vehicles or temporary stands" (Subsection E.) in that sidewalk and parking lot sales are infrequent, promotional events involving the majority of merchants in a shopping center (as defined in Article 8, "Shopping Center"). Sidewalk and parking lot sales shall be.

1. Located within a central business district or shopping center parking lot; and

2. Conducted by the merchants of shops abutting the sidewalk or parking lot; and

3. Authorized by an encroachment permit issued as set forth in Chapter 13.08 of the County Code (Encroachment) when located within the public right-of-way; and

4. Conducted no more often than two days in every 30 days.

[Amended 1982, Ord. 2091; 1992, Ord. 2553] *[22.08.142]*

22.30.340 - Outdoor Sports and Recreational Facilities

Commercial or public outdoor athletic facilities, amusement parks, public parks and recreation equipment rental are subject to the provisions of this Section, provided that the only such uses allowed in the Commercial Retail land use category are public parks and recreation equipment rental. (Indoor athletic facilities are subject to Section 22.30.240 (Indoor Amusements and Recreation) and applicable provisions of this Title other than those in this Chapter).

A. Amusement parks. Outdoor commercial recreation and entertainment facilities including but not limited to theme parks, permanent carnival-type rides, miniature golf, skateboard parks, go-cart and miniature auto tracks are subject to the following.

1. Limitation on use. Amusement parks are not allowed in residential categories.

2. Location. On a collector or arterial; not closer than 1,000 feet to a residential category.

3. Minimum site area. One acre.

4. Site design standards.

a. Setbacks. All amusement park facilities shall be set back a minimum of 25 feet from street frontage property lines, and 10 feet from all interior lot lines.

b. Landscaping. 25 percent of an amusement park site shall be landscaped, including all required setbacks which shall be provided with screening plant materials.

c. Fencing. Amusement park sites shall be enclosed by a six-foot high fence, which may be chain link, and which shall be located no closer to a street than the setback line.

B. Outdoor athletic facilities. The standards of this Subsection apply to commercial, public or membership participant athletic facilities operated as a principal use. These standards do not affect swimming pools, tennis courts or similar facilities when accessory to an individual residence or group of residences and not open to the public, or when accessory to a school.

1. Location. When proposed in a residential category, an outdoor athletic facility shall be located on a collector or arterial. An outdoor athletic facility may be located on a local street in the Recreation, Commercial Service or Public Facilities categories.

2. Minimum site area. One acre, unless otherwise provided in Subsection B.4 for a specific facility.

3. Setbacks. The following setbacks apply to all athletic facilities approved under this Section; except where a facility are located adjacent to a lake or ocean coastline, the normal setbacks of Section 22.10.140 apply.

Type of Facility	Minimum Setback from Property Lines (in feet)	
	No lighting	With Night Lighting
Baseball diamond	50	100
Basketball court	50	100
Game courts for less than 10 participants (e.g., horseshoes)	25	50
Golf driving ranges	25	50
Golf course fairways	25	50
Golf course greens	0	50
Handball courts	50	100
Picnic areas - Unimproved	25	50
Picnic areas - With tables and cooking	50	100
Swimming pools	50	100
Tennis courts	50	100
Vollyball courts	50	100

4. Specific use standards.

a. Golf driving ranges. Facilities for the stationary driving of golf balls are subject to the following standards:

(1) Minimum site area. 5 acres.

(2) Location. When located in a residential category, the site of a driving range shall be located on a collector or arterial.

b. Swimming pools. Public or membership use swimming pools shall be enclosed with security fencing at least six feet in height, with entry through a controlled gate or turnstile to prevent unsupervised access by children.

C. Public park facilities. Playfields, childrens' playgrounds, and public parks as principal uses are subject to the following.

1. Setbacks.

a. Childrens playgrounds. 50 feet.

b. Other park facilities. As set forth in Subsection B.3.

c. Buildings. Set forth in Section 22.10.140 (Setbacks).

2. Minimum site area. None Required.

D. Recreation equipment rental.

1. Limitations on use.

a. The outdoor storage of recreational equipment and/or the conduct of recreational equipment rental transactions outdoors may be approved only where Section 22.06.030, Table 2-2 (Allowable Land Uses and Permit Requirements) also allows storage yards and sales lots in the land use category applicable to the site.

b. Recreation equipment rental is not allowed as a temporary use.

2. Approval criteria. In addition to other relevant issues, the Review Authority shall consider the effects of motorized recreation equipment on proposed or likely areas of use in their decision to approve or disapprove a Conditional Use Permit for recreation equipment rental.

[Amended 1982, Ord. 2091; 1992, Ord. 2553; 1994, Ord. 2696] *[22.08.070]*

22.30.350 - Personal Service Uses in Residential Land Use Categories

A personal service use in the Residential Single-Family or Residential Multi-Family land use categories, shall comply with the following standards.

A. Limitation on use. Personal service uses are limited to beauty and barber shops, dry cleaning pick-up stores and laundromats.

B. Location. At the intersection of two collectors, arterials, or combination of both.

C. Minimum site area. 6,000 square feet.

D. Hours of operation. The hours of operation of a personal service use in a residential area shall be limited to between 7:00 a.m. and 10:00 p.m., daily.

[22.08.228]

22.30.360 - Pipelines and Transmission Lines

This Section provides standards for pipeline and power and communications transmission lines and related facilities, where designated as allowable by Section 22.06.030. This Section applies to emergency repairs, replacement, renewal, and upgrading of existing facilities, as well as to new facilities.

A. Emergency repairs. Notwithstanding the other provisions of this Section, emergency repairs necessary for public or environmental health and safety reasons do not require prior approval; however, nothing in this Title exempts reporting as required by various State and Federal regulations. Following the emergency, land use and building permit applications which would otherwise have been required for the type of work performed shall be submitted within 30 days, documenting what occurred and demonstrating that the required clearing, construction, cleanup and restoration was accomplished in compliance with this Title, Title 19 and Title 13 of the County Code, as appropriate.

B. General permit requirements.

1. **Determination of permit level.** Except as otherwise provided by this Section for specific facilities, and except where county land use permit authority is preempted by state law, the land use permit required to authorize a proposed land use of this type is determined by the magnitude of site disturbance, i.e., the area in square feet per site (or project if the project crosses more than one site) of grading or removal of natural ground cover, as follows.

Permit Requirement	Area of Site Disturbance
Zoning Clearance	Less than 40,000 sf
Minor Use Permit	40,000 sf or more

2. **No permit required.** No land use or grading permit is required for routine pipeline maintenance practices disturbing areas less than 1,000 square feet; or installation, testing, placement in service, or the replacement of any necessary utility connection between an existing facility and an individual customer or approved development for utilities regulated by the Public Utilities Commission, including electrical, water, telephone, sewage disposal or natural gas lines on a single site or within a public right-of-way.

3. **Application contents.** In addition to the application materials required by Chapter 22.62, the application for a proposed new or replacement pipeline, electrical or communications transmission line shall be accompanied by documentation that the applicant:

   a. Is the owner of record of the land involved; or

   b. Has easements or lease arrangements from the owners of record sufficient to carry out the actions proposed; or

c. Has notified all landowners of record (e.g., a copy of a letter informing landowners of the proposed activities and proposed rights-of-way for this project and the mailing list used) potentially involved within the corridor being proposed.

C. Pipeline facilities.

1. Permit requirements.

a. Where an existing or proposed pipeline shall be used for conveyance of toxic substances or highly volatile liquids (HVL) other than crude oil, and non-HVL liquefied petroleum products, Conditional Use Permit approval is required.

b. Conditional Use Permit approval is required for all surface facilities, pumping or booster stations for pipelines, except that these facilities included in Article 8 (Definitions) under the definition of "Public Utility Centers" are subject to the applicable permit requirements for that use.

2. Application contents.

a. A route-specific Geologic Investigation, Design and Mitigation Program shall be submitted with the land use permit application for proposed pipelines. At minimum, this program shall contain:

(1) A detailed geologic hazard investigation defining specific hazards;

(2) An engineering design component showing plans for each hazard identified;

(3) A geohazards mitigation component demonstrating how and to what extent each hazard is reduced; and

(4) A program of trench inspection to identify any potential geologic hazard not previously noted with a mitigation measures program to be instigated prior to pipeline installation.

b. Included in the land use permit application will be information on how construction at stream crossings will use low-flow periods, incorporate sediment retention devices and minimize time and area of disturbance.

c. A restoration, erosion control and revegetation plan shall be included in the grading permit application.

3. Development standards. The following standards apply to the development of proposed underground pipelines in addition to any that may be established during the permit review process. Standards for pipeline surface facilities shall be determined through Conditional Use Permit review.

a. Prior to construction, the entire right-of-way shall be prominently staked. All property owners shall be notified at least 30 days prior to start of construction.

b. Before entering upon any property for construction, the applicant shall demonstrate to the Director that it has obtained the right to enter the property for purposes of such construction.

c. Included in the land use permit application will be a plan for a route-specific cultural resources survey of the entire right-of-way. This shall include an identification and mitigation program for all known, or later identified sites.

d. Prior to operation, there will be an approved Oil Spill Contingency and Emergency Response Plan in place which details identification, cleanup and restoration procedures to be employed in the event of a spill.

e. After startup, use of the pipeline right-of-way shall be restricted to operational maintenance, inspection, repair, and protection of the pipeline.

D. Electric power transmission lines.

1. Permit requirements.

a. Emergency Repair and General Permit Requirements, Sections 22.30.360.A and B., apply to electric power distribution lines, i.e., less than 69kV design capacity.

b. Conditional Use Permit approval is required for electric power transmission lines, i.e., 69kV design capacity and greater, whether to be established or upgraded.

2. Application contents. In addition to all information required by Chapter 22.02, the applicant shall submit information on the proposed rights-of-way, including width, ownership, present land use, slope, soils and vegetation, types and sizes of towers to be used, estimates of noise generated during various operating and weather conditions, and estimates of maximum electric and magnetic field strengths generated under the line, at rights-of-way edges, and the extent that measurable fields extend in all directions from the facility.

[Amended 1990, Ord. 2444] *[22.08.286]*

22.30.370 - Public Utility Facilities

The following requirements apply to Public Utility Facilities where designated by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being subject to the provisions of this Section. Public Utility Facilities for other than electric and communications transmission and natural gas regulation and distribution, require Conditional Use Permit approval in compliance with Section 22.62.060 (Conditional Use Permit).

A. Permit requirements. In addition to the Emergency Repair and General Permit Requirements of Section 22.30.360.A and B., Conditional Use Permit approval is required for any new facility or modification of any existing facility in the Agriculture, Rural Lands, Recreation, Residential, Office and Professional, and Commercial Retail land use categories. Conditional Use Permit approval is required for any new facility or modification to any existing facility which would increase the structure heights above those specified in Section 22.10.090 or modify any operational standards causing an increase in any of the categories specified in Sections 22.10.030 (Air Quality), 22.10.050 (Explosives Storage), 22.10.070 (Flammable and Combustible Liquids Storage), 22.10.120 (Noise), 22.10.160 (Toxic and Hazardous Materials), 22.10.180 (Vibration), or 22.10.190 (Water Quality).

B. Application contents. In addition to the application materials required by Chapter 22.62 (Permit Applications), permit applications shall also include descriptions of.

1. The proposed design capacity of the facility; the operating schedule; and how the proposed facility interacts with incoming and outgoing utility services.

2. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities.

3. Proposed erosion control measures, revegetation, screening and landscaping during construction and operation.

4. An oil and hazardous materials spill contingency plan, including a demonstration that all materials can be contained on-site.

5. For electric and telephone centers, estimates of the non-ionizing radiation generated and/or received by the facility. These will include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

6. The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.

C. Development standards. The following standards apply in addition to any that may be established as conditions of approval.

1. **Environmental quality assurance.** An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during environmental review and Conditional Use Permit review and approval.

2. **Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.

3. **Fencing and screening.** Public Utility Facilities shall be screened on all sides. An effective visual barrier will be established through the use of a solid wall, fencing and/or landscaping. The adequacy of the proposed screening will be determined during the land use permitting process.

[Added 1990, Ord. 2444] *[22.08.288]*

22.30.380 - Recycling and Scrap

A. Limitation on use. Recycling operations in the Agriculture, Rural Lands and Public Facilities categories are not to include vehicle wrecking, dismantling or storage; recycling facilities are allowable in the Rural Lands category only when in conjunction with an approved waste disposal site.

B. Permit requirement. Conditional Use Permit approval; or Minor Use Permit approval in cases where the subject site is within the interior of a Commercial Service or Industrial category such that no portion of the subject site is located adjacent to a land use category other than that of the subject site.

C. Location. At least 500 feet from any school, church, hospital, public building, Commercial Retail, Office and Professional, Residential Single-Family or Multi-Family category, or residential use on an adjoining lot.

D. Minimum site area. One acre.

E. Parking requirement. None, provided that sufficient usable area is available to permanently accommodate all employee and user parking needs entirely on-site.

F. Site design and operation. Recycling facilities and wrecking yards are subject to all provisions of Section 22.30.560 (Storage Yards).

[Amended 1992, Ord. 2553] *[22.08.097]*

22.30.390 - Recycling - Collection Stations

A. Location.

1. **Site access.** Access to a recycling collection station shall be from a collector or arterial, except that a local street may be used where the site is located in a Commercial or Industrial land use category.

2. **Facility location.** Outside of any street right-of-way. In rural or village areas where a public waste collection point has been established by the County, a proposed recycling collection station shall use the same site.

B. Minimum site area. None required.

C. Setbacks. None required, provided that no collection station shall be within 100 feet of an intersection.

D. Parking requirement.

1. **Rural or village areas.** A collection station in a rural or village area shall be located to allow a user vehicle to pull entirely off the street pavement while using the facility, and sufficient area shall be provided to accommodate two vehicles at the same time.

2. **Urban areas.** No parking is required, unless on-street parking is unavailable at the site, in which case at least two off-street spaces shall be provided.

E. Design standards. A recycling collection station shall be designed as follows:

1. **Containers.** Portable containers shall be used, placed within a stationary wood framework, solid fence or bin, or otherwise designed to prevent the containers from being overturned.

2. **Container enclosure.** To be equipped with a lid to prevent access to stored materials be animals or vermin, and to preclude stored paper from being scattered by wind.

3. **Maximum area.** A collection station shall be no larger than 200 square feet.

4. **Signing.** All recycling collection stations shall be provided instructional signing indicating how materials shall be separated, and stating any limitations on the types of material accepting for recycling.

F. Maintenance. All collection stations shall be maintained in a clean and sanitary condition, with no material stored or discarded outside the container enclosure. All collection stations shall be emptied at intervals sufficient to preclude containers from being filled, but in no case are containers to be emptied less than once every seven days.

[Amended 1992, Ord. 2553] *[22.08.098]*

22.30.400 - Religious Facilities

Religious meeting facilities and related activities are subject to the following standards.

A. Location. Within an urban or village reserve line, religious shall be on a road identified as a collector or arterial roadway by the Land Use Element, which shall be improved to collector or arterial standards as specified in the "San Luis Obispo County Standard Specifications and Drawings"; except that a church or related activity in the Office and Professional category may be on a local street. Religious facilities and related activities may be located on local roads in the Agriculture, Residential Rural and Rural Lands categories outside of urban and village reserve lines.

B. Minimum site area. 20,000 square feet.

[Amended 1994, Ord. 2687] *[22.08.066]*

22.30.410 - Residential - Accessory Uses

The following standards apply to the specific types of accessory uses structures listed. Residential accessory structures for the keeping of animals are subject to Section 22.30.090 (Animal Keeping). All accessory uses and structures are also subject to Section 22.30.030 (Accessory Uses).

A. Antennas. Antennas (including dish antennas) for non-commercial TV and radio transmitting and/or receiving are subject to the following standards:

1. Permit requirement: Plot Plan approval, except:

a. As provided in Subsections A.2 or A.3 for antennas of excess height or in particular locations; and

b. For surface-broadcast television receiving antennas, which require no land use permit, but are still subject to the other provisions of this Section.

The land use permit requirements of this Section are in addition to any construction permits required by Title 19 of this Code.

2. Height limit. Antennas are limited to a height of 50 feet, except that:

a. A height of up to 75 feet may be authorized by Minor Use Permit.

b. Antennas higher than 75 feet may be authorized by Conditional Use Permit approval.

3. Limitation on location. In order to minimize the visual impact of antennas and their supporting structures on residential neighborhoods and community commercial areas, antennas shall be placed in locations consistent with the following provisions:

a. Setbacks. Antennas are not to be located within required setback areas (Section 22.10.140), except that placement in a side or rear setback may be authorized by Minor Use Permit if the Review Authority first finds that:

(1) No broadcast reception is possible in another allowed location; and

(2) Placement in such setback will not result in detrimental effects on the enjoyment and use of adjoining properties.

Specific setbacks for antennas higher than 50 feet shall be determined through Minor Use Permit or Conditional Use Permit approval, as applicable.

b. Roof installation. Antennas shall not be placed on the roof of a building unless they are located on the half of the roof furthest away from any abutting street, or;

(1) Other location determined by the Director to not be visible from public streets or adjoining properties; or

(2) Another location on the roof authorized through Minor Use Permit approval, subject to the findings in Subsection A.3.a.

C. Garages. A detached accessory garage may occupy not more than 1,000 square feet per dwelling unit, unless authorized by Minor Use Permit. The size of an accessory garage attached by a common wall to a dwelling is not limited, except as may be required by the Uniform Building Code. Workshop or storage space within a garage is included in determining conformance with this standard.

D. Greenhouses. An accessory greenhouse may occupy up to 500 square feet per dwelling unit or 10 percent of the site, whichever is smaller. Larger greenhouses are subject to Section 22.30.310 (Nursery Specialties).

E. Guesthouses and home offices. A guesthouse or home office (sleeping or home office facilities *without* indoor connection to the living area of a principal residence) may be established as a use accessory to a residence as follows:

1. Limitation on use. A guesthouse or home office:

a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room;

b. Shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental;

c. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470;

d. In the Residential Multi-Family land use category, shall satisfy the residential density provisions of Section 22.10.130 (Multi-Family Dwellings); and

e. Shall not be provided an electric meter separate from the principal residence.

2. Location. A guesthouse shall not be located more than 50 feet from the principal residence, or as otherwise approved through a Minor Use Permit, and shall not be located within any required setback area (see Section 22.10.140 - Setbacks).

3. Floor area limitation. The maximum floor area allowed for a guesthouse is 40 percent of the habitable floor area of the main residence, up to a maximum of 600 square feet.

F. Swimming pools. Including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than 18 inches to a property line, and provided that they are fenced as required by Section 22.10.080 (Screening and Fencing).

G. Workshops or studios. Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. is subject to the following standards when located in a residential category.

1. **Limits on use.** An accessory structure may be constructed or used as a workshop or studio in any residential category solely for non-commercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes. Any use of accessory workshops for any commercial activity shall meet the standards for home occupations (Section 22.30.230).

2. **Floor area.** A workshop shall not occupy an area greater than 40 percent of the floor area of the principal structure; except where a workshop is combined with a garage, Subsection C. applies.

[Amended 1982, Ord. 2091, 2112; 1985, Ord. 2211; 1986, Ord. 2267; 1992, Ord. 2553; 1993, Ord. 2648; 1995, Ord. 2741; 1999, Ord. 2880] *[22.08.032]*

22.30.420 - Residential - Care Facilities

Board and care homes for ambulatory residents, where no medical care is provided, are subject to all applicable standards for multiple-family dwellings in addition to the provisions of this Section.

A. Minimum site area. 20,000 square feet is the minimum site area for more than six boarders.

B. Fencing. Any play areas for children shall be fenced to prevent uncontrolled access to and from the site.

C. Parking. For facilities with more than six boarders, parking shall be provided as set forth in Section 22.30.320.C (Nursing and Personal Care - Parking).

[Amended 1982, Ord. 2091; 1992, Ord. 2553] *[22.08.110]*

22.30.430 - Residential - Caretaker Units

One permanent accessory dwelling is permitted for purposes of housing a caretaker employed on the site of any allowable agricultural, commercial, institutional or industrial use in all categories except Residential Single Family, and Residential Multiple Family, subject to the following standards (a caretaker residence in the Agriculture land use category is subject to Section 22.30.460.B and C. - Farm Support Quarters).

A. Minimum site area. A maximum of one caretaker residence may be established on a site with the following minimum area.

1. **Commercial service and industrial categories.** No minimum.

2. **Other categories.** Five acres in rural areas; as required by Section 22.10.110 (Minimum Site Area) within an urban or village area.

B. Status of caretaker. The resident of the dwelling shall be the owner or lessee, or an employee of the owner or lessee of the site. The application for approval shall include a statement explaining the need for, and the responsibilities of, the proposed caretaker.

C. Type of use requiring a caretaker. A caretaker dwelling shall not be approved unless the Director first determines that having a caretaker living on the site is critical and needed to the conduct of the business. The ***principal use*** of the site ***must*** require a caretaker for security purposes or for continuous supervision or care of people, plants, animals, equipment, or other conditions on the site. A caretaker's dwelling requested in connection with an agricultural use in any land use category is subject to Section 22.30.480.B and C.

D. Allowable location for a caretaker dwelling. In Commercial, Office and Professional and Recreation categories, such dwelling shall be located on a second floor, or in the rear half or behind a principal building. In the Industrial and Public Facility categories, such dwelling may be located in compliance with the needs of the applicant, provided that the location preserves the industrial or public facility visual character of the principal use. In all categories, a caretaker residence shall be located on the same lot of record or contiguous ownership as the use requiring a caretaker. Where a mobile home is proposed as a caretaker residence, its location shall satisfy all applicable provisions of Section 22.30.450 (Residential - Mobile Homes).

F. Size, type and duration of dwelling unit allowed. The floor area of a caretaker residence shall not exceed 50 percent of the floor area of the commercial use on the site or 10 percent of the outdoor use area where no commercial building exists or is proposed, to a maximum size of 1,200 square feet. Where a caretaker dwelling is proposed in the Residential Rural or Residential Suburban land use categories, the design standards of Section 22.30.470 shall apply. Caretaker residences shall meet all applicable Uniform Building Code requirements for a dwelling unit unless a mobile home is used and shall be either:

1. A standard site-built home; a modular home; or an apartment-type unit if the caretaker residence is to be integral with a principal structure; or

2. A mobile home, which may be used only in the Rural Lands, Recreation, Residential Rural, Commercial Service, Industrial and Public Facility categories, in compliance with Section 22.30.450 (Mobile Homes). In the event that the commercial use that justified the caretaker dwelling is discontinued, the caretaker residence shall be vacated within 180 days of the commercial use portion of the site being vacated.

G. Parking requirement: One space, in addition to those required for the principal use of the site.

[Amended 1982, Ord. 2091, 2102, 2112; 1984, Ord. 2163; 1992, Ord. 2539, 2553; 1995, Ord. 2714; 1999, Ord. 2880] *[22.08.161]*

22.30.440 - Residential - Mobile Home Parks

Mobile home parks are subject to the regulations of Title 25 of the California Code of Regulations, and the applicable permit requirements of the California Department of Housing and Community Development in addition to this Section and other applicable standards of this Title.

A. Application content. 10 copies of the Conditional Use Permit application and all accompanying materials shall be provided.

B. Minimum site area and density. A site proposed for a mobile home park shall be a minimum of 5 acres. Maximum park density shall be as follows:

1. **Urban or village areas.** Eight dwelling units per acre of gross site area.

2. **Rural areas.** Allowed density is one mobile home for each area equivalent to the minimum parcel size required by Chapter 22.22 for the land use category applicable to the site. Sites for individual mobile homes may be clustered, and of a size consistent with Subsection D.1, when the mobile home park is provided on-site community water supply and sewage disposal systems.

3. **Recreation category.** Eight dwelling units per acre of gross site area.

C. Access. A collector, arterial or freeway frontage road, except that a mobile home park with less than 40 units may be on a local road not more than 500 feet from a collector, arterial or freeway frontage road.

D. Site design standards.

1. **Required yards.**

   a. **Individual mobile home lots.** To be provided with a 10-foot front yard between the mobile home and the edge of an internal park street, measured from the center point of the mobile home wall to the edge of the interior park street; and five-foot side and rear setbacks, except that a carport or unenclosed patio may extend to one foot of the side lot line.

   b. **Separation between structures.** No mobile home may be located closer than 10 feet to another mobile home or structure.

   c. **Park boundary yards.** Mobile homes shall be set back from park property lines as follows:

      Park Entrance Street - 25 feet
      Other Street Frontage - 15 feet
      Other Property Lines - 10 feet

2. **Coverage.** A maximum of 75 percent of the mobile home park site may be covered by mobile homes, structures, and paving for vehicle use.

3. **Landscaping.** Areas not occupied by mobile homes, other structures or paving, or unpaved fenced storage areas shall be landscaped.

4. **Parking.** The mobile home park shall be provided with parking spaces as follows.

   a. **Individual mobile home.** A minimum of two off-street parking spaces shall be located on each mobile home site. Such spaces may be arranged in tandem, and may extend into the required front yard.

   b. **Guest parking.** To be provided at a ratio of one space for every four mobile homes. Guest spaces may be located along interior streets within the park, provided that street width is in conformity with the provisions of Section 1106, Title 25 of the California Code of Regulations.

5. **Utilities.** All on-site utilities shall be installed underground.

6. **Screening fencing.**

   a. **Fencing required.** The perimeter of a mobile home park (with the exception of the park entrance street frontage) and any recreational vehicle storage areas shall be enclosed with solid wood or masonry fencing, or other alternative screening approved by the Commission, a minimum of six feet in height.

   b. **Location of fencing.** Park perimeter fencing shall be located at the setback line on street frontages where required, and on the property line elsewhere.

   c. **Adjustment.** An adjustment to this standard may be authorized by the Commission to reduce or eliminate the fencing requirement where topography, existing vegetation intended to remain, or other conditions would make screening unnecessary or ineffective.

7. **Antennas.** A mobile home park may be provided with cable television service or a single community receiving antenna. Individual television antennas are not to be used.

8. **Skirting.** Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home located on-grade.

E. Mobile home park condominiums. A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 22.22, to be determined by the Review Authority through Conditional Use Permit approval provided that the density of the units is in compliance with Subsection B. Mobile home park condominiums are also subject to the requirements of Subsection F.

F. Conversion of mobile home park to another use. Any subdivision of an existing mobile home park or conversion of an existing mobile home park to another land use is subject to the following requirements, in addition to all other applicable provisions of this Title.

1. **Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060.

2. **Application content.** The Conditional Use Permit application shall include the report required by Government Code Section 66427.4 or 65863.7 as applicable, in addition to all information required by Section 22.62.060.

3. **Special notice requirement.** As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Conditional Use Permit, the Department of Planning and Building shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobile home owners of the mobile home park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified the notification to the satisfaction of the Director.

[Amended 1981, Ord. 2063, 2087; 1982, Ord. 2102; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1992, Ord. 2583; 1994, Ord. 2696] *[22.08.164]*

22.30.450 - Residential - Mobile Homes

When used as permanent dwellings, individual mobile homes (described as manufactured homes by California Government Code Section 65852.3 et seq.) are subject to the standards of this Section, in addition to Chapter 19.60 of the Building and Construction Ordinance. Mobile homes used as caretaker housing are subject to Section 22.30.430 (Caretaker Residences) in addition to Subsection B. Mobile homes for temporary office or dwellings are subject to Sections 22.30.600. Mobile homes in sales lots are subject to Section 22.30.530 (Sales Lots).

A. Permit requirement. Zoning Clearance, except that no County permit is required for individual mobile homes in approved mobile home parks under the jurisdiction of the California Department of Housing and Community Development. The Zoning Clearance application shall include either photos or a manufacturer's brochure depicting the actual type, exterior finishes, roof overhang, and roofing materials of the proposed mobile home.

B. Location. An individual mobile home may be installed where allowed by Section 22.06.030 (Allowable Land Uses and Permit Requirements) in compliance with this Section, provided that the mobile home complies with all applicable County standards for single family dwellings, and:

1. Is certified under the National Manufactured Housing Construction and Safety Act of 1974; and

2. Shall be installed on a permanent foundation or a foundation system in compliance with Section 18551 of the California Health and Safety Code. [Amended 1993, Ord. 2648]

C. Minimum site area. The minimum site area for mobile homes outside of mobile home parks shall be as required by Section 22.10.110 for single-family dwellings, except where a planning area standard (Article 9) requires a larger area for single-family dwellings. The minimum site area for mobile homes located within mobile home parks shall be as specified in Section 22.30.440.

D. Setbacks. As set forth in Sections 22.10.140. When located in an approved mobile home park, setbacks shall be as set forth in Section 22.30.440.D.1.

E. Mobile home design standards. The following standards apply to all new mobile homes proposed within urban or village areas or in rural areas, except in mobile home parks. These requirements apply in addition to all applicable standards for single-family dwellings, as well as all applicable provisions of Chapter 19.60 of this Code.

1. Exterior design standards.

a. Siding materials. Exterior siding (excluding windows) shall consist of non-reflective materials designed to resemble wood, stucco, rock, masonry or concrete block or other non-reflective, textured surface.

b. **Roofing materials.** Roofs (excluding skylights) shall consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with a baked-on color or other non-reflective, textured surface.

c. **Roof overhang.** Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.

F. Special permit requirement. If, in the opinion of the Director, a mobile home proposed for a site does not satisfy the criteria of Subsections B. or E., Minor Use Permit approval is required to allow the non-standard mobile home. The provisions of this Section are not otherwise subject to waiver or modification in compliance with Section 22.30.020.B.

G. Storage. Unoccupied mobile homes that are not fixed to a foundation system or otherwise installed on an approved permanent site shall be stored only in a mobile home sales lot (Section 22.30.530), an approved storage yard (Section 22.30.560), or in a mobile home park.

[Amended 1981, Ord. 2087; 1982, Ord. 2102; 1983, Ord. 2144; 1986, Ord. 2250; 1992, Ord. 2539, 2553; 1994, Ord. 2696] *[22.08.163]*

22.30.460 - Residential - Organizational Houses

The minimum site area for organizational houses shall be 20,000 square feet in the Multi-Family categories; and as set forth in Section 22.04.020 (Minimum Parcel Size), in other land use categories.

[Amended 1982, Ord. 2091; 1992, Ord. 2539; 1994, Ord. 2687] *[22.08.166]*

22.30.470 - Residential - Secondary Dwellings

A second permanent dwelling may be allowed in compliance with this Section in addition to the first dwelling on a site allowed by Section 22.10.130 (Residential Density), provided the site and the existing primary dwelling comply with all other applicable provisions of this Title. (A caretaker residence is subject to Section 22.30.430, farm support quarters are subject to Section 22.30.480.)

A. Authority. Secondary dwellings are authorized in compliance with the authority established by Government Code Sections 65852.2 et seq.

B. Limitations on use.

1. **Accessory unit only.** A secondary dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 22.30.410) or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary unit in compliance with this Section.

2. **Occupancy of primary and secondary units restricted.** No secondary dwelling shall be approved in compliance with this Section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Chapter 22.10.

C. Limitations on location.

1. **Excluded areas.** A secondary dwelling shall not be allowed within the following areas, where secondary units are deemed incompatible with existing development, or where the density increase from secondary units would create adverse cumulative effects on essential community services and natural features. These services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal, or that are subject to erosion.

   a. **Atascadero.** The areas south of the Atascadero urban reserve line within the Residential Suburban land use category, as defined by the Land Use Element, Salinas River area plan, except for parcels with direct driveway access to El Camino Real.

   b. **Nacimiento area.** The areas identified by the Land Use Element, Nacimiento area plan as being within the South Shore Area or the villages of Heritage Ranch or Oak Shores.

   c. **Specific subdivisions.** Secondary dwellings are not allowed within Tracts 7, 17, 19, and 502.

   d. **Regional Water Quality Control Board (RWQCB) exclusion.** All areas of the County where the RWQCB has issued a notice of resource constraints through moratoria or other means.

D. Application content. In addition to the information required by Section 22.62.030, information submitted with the Zoning Clearance application shall also indicate whether or not there are conditions, covenants or restrictions applicable to the site that would prohibit a secondary dwelling. This information will not be grounds for county denial of a permit.

E. Minimum site area. A secondary dwelling may be allowed only on sites with the following minimum areas:

1. 6,000 square feet for sites served by community water and sewer facilities;

2. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance; or

3. One acre (gross) where community water and on-site sewage disposal are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied.

Except that where a larger minimum site area requirement is established by planning area standards (Article 9), the larger area shall be required.

F. Design standards

1. The following apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres	1,200 square feet	Chip seal(3)	250 feet

Notes:

(1) Includes attics greater than six feet in height, unconditioned storage space and lofts.

(2) If the road that provides access to the property is maintained by the County, State or special district; the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.

(3) Chip seal must be placed over a Class II ,or better ,base material as defined by California Department of Transportation standards along the property frontage and back to nearest maintained road.

2. **Driveways:** The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 22.70.030 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent, or would require the removal of oak trees or other native trees.

3. **Within urban and village reserve lines:**

   a. The secondary dwelling shall employ a design style compatible with the primary dwelling.

   b. When a secondary dwelling is attached to the primary dwelling, the entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.

   c. No more than 50 percent of the site shall be covered by structures.

4. **Exceptions to design standards**. The Review Authority may approve alternatives to the design standards of Subsection F in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section. The maximum size of unit as set forth in Subsection F.1, and the maximum size of the garage workshop as set by Subsection F.6, cannot be modified except by a Variance (Section 22.62.070). The maximum distance from the primary unit may be adjusted in compliance with Section 22.70.030 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

   a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:

      i. Exiting improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.

      ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

      iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.

      iv. Archaeological resources.

5. **Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.

6. **Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

G. Parking. A secondary dwelling shall be provided one off-street parking space in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

[Added 1985, Ord. 2211; Amended 1986, Ord. 2251; 1988, Ord. 2344; 1992, Ord. 2539, 2553; 1994, Ord. 2696; 1995, Ord. 2714; 1995, Ord. 2741; 2006, 3097] *[22.08.169]*

22.30.480 - Residential Uses in the Agriculture Land Use Category

Dwellings in the Agriculture land use category, including primary housing and farm support quarters are allowed accessory uses on the same site as an agricultural use, subject to the standards of this Section. These dwellings may include mobile homes, subject also to the standards in Section 22.30.450 (Residential - Mobile Homes).

A. Primary housing. A parcel in the Agriculture category may be used for two primary dwellings, as follows:

1. **Permit requirements.** Zoning Clearance is required for each of the first two dwellings. Additional dwellings are subject to the provisions of Subsection B. (Farm Support Quarters).

2. **Density.** Primary dwellings in the Agriculture category are allowable at a ratio of one primary unit for each legal parcel, as defined in Chapter 22.11 (Definitions - Parcel), and one additional primary unit on legal parcels of 20 acres or larger. On legal parcels smaller than 20 acres but at least one acre, an additional unit may be allowed subject to the provisions of Section 22.30.470. More than two dwellings per legal parcel shall satisfy all provisions of Subsections B. and C. (Farm Support Quarters).

B. Farm support quarters - Single family dwellings and mobile homes. Includes farm or ranch housing for farm help or a caretaker employed on land in the same ownership as the housing. Farm support quarters are allowable in the Agriculture and Rural Lands categories only when the housing is in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner, subject to the following standards.

1. **Permit requirements.** Zoning Clearance for the first farm support unit, Site Plan Review for subsequent units, unless the number of proposed farm support quarters exceeds the number indicated in the allowable density table in Subsection B.5, or Minor Use Permit or Conditional Use Permit approval would otherwise be required by planning area standards of Article 9, or other applicable provision of this Title.

2. **Application content.** The application shall include explanation and documentation of the need for farm support quarters. The magnitude of existing agricultural activities to be supported by the proposed farm support quarters must be described, as well as the number of employees necessary to conduct the agricultural operations.

3. **Criteria for approval.** The applicant shall demonstrate that the number of employees for which housing is proposed is consistent with the allowable density table in Subsection B.5, or that a greater number of farm support quarters is necessary to support the existing agricultural activity. The demonstration of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation, or by citing examples of employees used by other agricultural operations of similar size and products.

4. **Status of residents.** Occupancy of farm support quarters in the form of single family dwellings or mobile homes is limited to the full-time employees and the spouse and children of full-time employees of agricultural or ranching operations conducted by the owner of the farm support housing, or lessor of the housing owner's acreage. Farm support quarters are not to be rented or leased to individuals other than farm help and their families. An agreement between the property owner and the County limiting occupancy to farm workers shall be executed and recorded prior to building permit issuance.

5. **Density.** The maximum allowable density of single family dwellings mobile homes used as farm support quarters shall be as follows:

Maximum Allowable Density of Single Family Dwellings or Mobile Homes Used as Farm Support Quarters, Based on Agricultural Land Use	
Agricultural Land Use	**Maximum Allowable Density** (1)(2)
Beef and dairy feedlots	One unit per 50 dairy cows, or one unit per 100 beef cattle
Fowl and poultry ranches	One unit per 20,000 broiler chickens, or one unit per 15,000 egg-laying hens, or one unit per 3,000 turkeys
Hog ranches	One unit per 50 hogs
Horse ranches and equestrian facilities	One unit per 15 brood mares, or one unit per 30 horse boarding stalls, or one unit per riding school or exhibition facility
Kennels	One unit per 40 dog pens or cages
Animal hospitals and veterinary facilities	One unit per facility
Nurseries	One unit per acre of propagating greenhouse or 3 acres of field-grown plant materials
Irrigated row crops, specialty crops, orchards and vineyards	One unit per 20 acres in crops
Irrigated pasture, field crops, grain and hay	One unit per 30 acres in crops
Dry farm orchards, vineyards, beans and specialty field crops	One unit per 40 acres in crops
Grazing	One dwelling per 320 acres grazing land

Notes:

1. The density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director to be equivalent to those specified in this table.
2. The density of single family dwellings or mobile homes as farm support quarters is based on the amount of agricultural activities occurring on the site, and unless authorized by Minor Use Permit or Conditional Use Permit approval, the number of single family dwellings or mobile homes established as farm support quarters cannot exceed one per 20 acres of site area or a total of 4 dwellings per site.

6. **Sale of farm support quarters.** The site of farm support quarters shall not be separated from contiguous property in the same ownership by sale or land division unless a Conditional Use Permit (Section 22.62.060) has been first approved, with the Review Authority making the following findings, in addition to the findings in Section 22.62.060.C.4 (Conditional Use Permit -Required Findings):

   a. The proposed reduction of the total acreage of the ownership will not affect its continuing use as a productive agricultural unit; and

   b. The proposed reduction of the ownership size will not encourage population increases in the surrounding area incompatible with continuing agricultural operations.

7. **Parking.** Off-street parking must be provided at a ratio of one space per dwelling established as farm support quarters.

8. **Mobile homes.** The use of a mobile home for farm support quarters shall satisfy the standards of Section 22.30.450 (Residential - Mobile Homes).

C. **Farm support quarters - Group quarters.** The use of group quarters facilities such as dormitories or bunkhouses and mess halls for farm support quarters is allowable in the Agriculture and Rural Lands categories only when the farm housing is in direct support of existing agricultural production activities on the site and other lands within approximately five miles of the site, subject to the following standards:

1. **Permit requirement.** Site Plan Review if the proposed group quarters incorporates pre-approved floor plans and architectural elevations provided by the Planning and Building Department and complies with the site design standards in Subsections C.4 through C.7. Group quarters proposals that do not include pre-approved plans and elevations or which do not meet one or more of the site design standards in Subsections C.4 through C.7 may be authorized through Minor Use Permit approval.

2. **Application content.** The application shall include explanation and documentation of the need for farm support quarters. The magnitude of existing agricultural activities on the site and within five miles of the site to be supported by the proposed farm support quarters must be described, as well as an estimate of the number of employees necessary to conduct the agricultural activities. This documentation may be in the form of letters from owners or operators of those agricultural activities.

3. **Criteria for approval.** The applicant shall demonstrate that the number of employees for which housing is proposed is consistent with the allowable density table in Subsection C.4, or that more agricultural employees are necessary to support the existing agricultural activity. The demonstrations of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation, or by citing examples of employees used by other agricultural operations of similar size and products.

4. **Maximum occupant capacity.** The maximum occupant capacity of a group quarters facility shall be set according to the amount of land in existing agricultural production within approximately five miles of the site, based on written statements from the owners or lessors of those lands. The maximum capacity of a group quarters facility, in terms of the number of persons potentially housed, shall not exceed the number of persons specified in the following table.

Maximum Occupant Capacity of Group Quarters Structures Used as Farm Support Quarters	
Agricultural Land Use	**Maximum Capacity in Persons (1) (2) (3)**
Beef and dairy feedlots	One person per 50 dairy cows, or one person per 100 beef cattle
Fowl and poultry ranches	One person per 20,000 broiler chickens, or one person per 15,000 egg-laying hens, or one person per 3,000 turkeys
Hog ranches	One person per 50 hogs
Horse ranches and equestrian facilities	One person per 15 brood mares, or one person per 30 horse boarding stalls
Kennels	Not allowed
Animal hospitals and veterinary facilities	Not allowed
Nurseries	Not allowed
Irrigated row crops, specialty crops, orchards and vineyards	One person per acre in crops
Irrigated pasture, field crops, grain and hay	One person per 15 acres in crops
Dry farm orchards, vineyards, beans and specialty field crops	One person per 20 acres in crops
Grazing	One person per 320 acres grazing land

Notes:

1. The density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director to be equivalent to those specified in this table.
2. The density of group quarters facilities as farm support quarters is based on the amount of agricultural activities occurring on the site and within approximately five miles of the site, supported by letters from the owners or operators of those agricultural activities.
3. Unless authorized by Minor Use Permit or Conditional Use Permit approval, the maximum occupant capacity of group quarters facilities as farm support quarters is limited to 20 persons.

5. **Setbacks.** No part of the group quarters farm housing shall be closer than 50 feet to any street property line, 60 feet to any other property line, 40 feet to any other structure, or 75 feet to any barns, pens or other facilities for livestock or poultry, or 100 feet from the centerline of streams shown on USGS Topographic Maps with blue lines.

6. **Parking.** Off-street parking must be provided at a ratio of one space per four persons potentially housed in the group quarters. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.

7. **Minimum site area.** 20 acres.

8. **Status of residents.** Occupancy of farm support group quarters is limited to the full-time or full-time seasonal employees and the spouse and children of full-time employees of agricultural or ranching operations. Farm support quarters are not to be rented to leased to individuals other than farm help and their families. An agreement between the property owner and the County limiting occupancy to farm workers shall be executed and recorded prior to building permit issuance.

9. **Federal and State requirements.** Any farm support quarters accommodating five or more agricultural employees (not necessarily all employed by the owner of the farm support quarters) must also comply with applicable state and federal laws and regulations regarding construction, operation and occupants of the housing. The applicable laws and regulations include, but are not limited to, Part 20, Section 654 of the Code of Federal Regulations (20 CFR 654) and Section 17010 et seq of the California Health and Safety Code, copies of which are available at the County Department of Planning and Building.

D. Clustered units - Reversion to acreage required. Where an ownership of multiple, legally-created lots of record is entitled to multiple dwellings in compliance with Subsections A., B. or C., the owner may group the dwellings on a single lot of the ownership rather than on each of the various lots entitled to the dwellings, provided that an approved reversion to acreage shall be obtained within six months of the effective date of the first land use permit for new housing (and before issuance of a building permit), to consolidate with the building site all legal parcels from which housing entitlements have been transferred. In the event that such reversion to acreage is not obtained, the land use permit(s) for the housing shall become void.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1985, Ord. 2211; 1992, Ord. 2539, 2553] *[22.08.167]*

22.30.490 - Residential Uses in Office or Commercial Retail Land Use Category

Single family and multi-family dwellings in the Office and Professional or Commercial Retail categories are subject to the standards of this Section; except for caretaker residences, which are subject to Section 22.30.430.

A. Limitation on use. Except where prohibited by planning area standards (Article 9), new single-family or multi-family dwellings are allowed in an Office and Professional or Commercial Retail category, provided that they comply with the following requirements.

1. The units shall be subordinate to the primary commercial or office use of the site, located on either the second floor and/or rear of the site, and structurally attached to the main building. The first floor or front part of the building shall be used for the principal office or retail uses.

2. Single-family or multi-family residential development may be authorized as a principal use through Minor Use Permit or Conditional Use Permit approval in a Commercial Retail or Office and Professional category only if provisions to do so are included in the applicable planning area standards in Article 9.

B. Permit requirement. A residential use may be authorized in compliance with this Section subject to the same land use permit required by Section 22.06.030 for the principal use of the site; except that where Section 22.06.030 would require a higher permit level for the residential use, the higher permit shall be required.

C. Existing uses. In an Office and Professional or Commercial Retail category, a detached single-family dwelling which is the principal use of its site may be continued as residential use as set forth in Section 22.72.050 (Nonconforming Uses of Land).

D. Required findings for permit approval. The approval of a Minor Use Permit or Conditional Use Permit for a proposed residential use shall require that the Review Authority first find that the proposed residential use will not:

1. Significantly reduce the community inventory of office or commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element; or

2. Impede the continuing orderly development of community shopping and office areas with office and other commercial uses.

E. Minimum site area and density. To be as required by Section 22.04.084 (Residential Density - Multi-Family Dwellings), or applicable planning area standards (Article 9).

F. Parking.

1. When a commercial or office and residential use are located on the same site, the number of parking spaces provided shall be 80 percent of the total required for each residential and commercial or office use by Chapter 22.18 (Parking and Loading Standards).

2. All parking for a residential use in a Commercial Retail or Office and Professional category shall be located on-site.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1986, Ord. 2256, 2269; 1992, Ord. 2539, 2553; 1994, Ord. 2696] *[22.08.162]*

22.30.500 - Residential Uses in the Recreation Land Use Category

A residential use identified as allowable in the Recreation land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements) is subject to the standards of this Section, except for caretaker residences (see Section 22.30.430).

A. Permit requirement.

1. **Principal use.** Multi-family units proposed as the principal use of a site in a Recreation category require Minor Use Permit approval, unless Section 22.08.030 (Project-Based Permit Requirements) would otherwise require Conditional Use Permit approval.

2. **Secondary use.** Residential units secondary to a commercial use allowed in the Recreation category are subject to the permit requirements of Section 22.08.030 for residential uses.

B. Minimum site area and density: To be as required by Section 22.10.130 (Residential Density - Multi-Family Dwellings), or applicable planning area standards (Article 9).

[Added 1982, Ord. 2091; amended 1986, Ord. 2250; 1992, Ord. 2539, 2553] *[22.08.168]*

22.30.510 - Roadside Stands

These standards apply to the retail sale of agricultural products except hay, grain and feed, in open structures constructed for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.

A. Limitation on use.

1. **Residential Suburban category.** When temporary stands are located in the Residential Suburban category, at least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Products from adjacent contiguous properties, not owned or leased by the owner of the site on which the stand is located, may make up the remaining 50 percent. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is not permitted. Permanent roadside stands are not allowable in the Residential Suburban category.

2. **Agriculture, Rural Lands, Residential Rural or Recreation categories.** At least 50 percent of all agricultural products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is limited to agricultural-related items and packaged food, which are not to exceed 10 percent of all products for sale.

3. **Temporary stands.** A temporary roadside stand is a facility where retail sales are conducted for a period less than 120 days per year. A temporary stand that becomes vacant or unused for a period exceeding 60 days shall be entirely removed from the site, or authorized as a permanent stand, unless otherwise authorized by the land use permit approval. Re-establishment of a temporary stand previously authorized by a land use permit does not require a new permit, provided that all structures and parking areas are exactly as originally approved, and a building permit is obtained if required by the Building and Construction Ordinance (Title 19 of the County Code).

B. Notice and hearing requirements.

1. **Public notice.** For permanent stands in the Residential Rural land use category or any stand in the Recreation land use category, notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.2.

2. **Public hearing.** No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection B.1. If a public hearing is requested, the roadside stand shall be subject to Minor Use Permit approval and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

C. Location. A roadside stand in a residential category shall have frontage on a collector or arterial road. A roadside stand in other than residential categories may be located on a local road or private easement.

D. Sales area limitation. The floor area of the structure and any outdoor display area shall be limited to a total of 500 square feet, unless otherwise authorized by Minor Use Permit approval.

E. Setback and parking requirements.

Type of Stand	Minimum Setback and Parking Requirements		
	Front Setback	**Side and Rear Setbacks**	**Parking (1)**
Temporary	10 foot (2) **OR** 25 foot (3)	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	3 off-street spaces
Permanent	50 foot	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	5 off-street spaces (5)

Notes:

1. Parking shall be located outside of the public road right-of-way.
2. Except when parking is proposed in front of a stand.
3. When parking is proposed in front of a stand to assure safe parking in front of or nearby the stand.
4. If it is not possible to maintain 400 feet from a dwelling outside of the ownership of the applicant, an adjustment in compliance with Section 22.70.030 may be granted to reduce the setback to no less than 100 feet.
5. Located in an off-street area accessed by a driveway a minimum of 18 feet wide. The parking area for a permanent stand shall be surfaced with crushed rock, chip seal or paving.

[Amended 1994, Ord. 2696; 1999, Ord. 2880] *[22.08.056]*

22.30.520 - Rural Recreation and Camping

A. Camping. Permanent organizational group camps sponsored by a church, youth group, corporation or other organization, or camping that is seasonal and incidental to an agricultural use, are subject to the following provisions. (Commercial campgrounds as principal uses are subject to Section 22.30.300 (RV Parks); temporary camps are subject to Chapter 8.64 of the County Code (Temporary Camps).

1. **Limitation on use.** Organizational camps are allowed only in the Rural Lands, Recreation, and Public Facilities categories. Incidental camping is allowed in the Agriculture category as well as where organizational camps are allowed.

2. **Permit requirements.** A Health Department permit shall be required in compliance with Chapter 8.62 of the County Code, in addition to the land use permit required by Section 22.06.030.

3. **Minimum site area.** As specified in Chapter 22.22 (Subdivision Design).

4. **Density.** To be set by the Review Authority where Conditional Use Permit or Minor Use Permit approval is required, to a maximum of one unit per acre, which is also to be the maximum density for incidental camping of less than 10 units.

5. **Setbacks.** All camping facilities and activities shall occur no closer than 1,000 feet from any property line or public road.

6. **Parking.** No improved parking is required for incidental camping, provided that sufficient usable area is available to accommodate all user vehicles entirely on-site. The parking requirement for organizational camps shall be determined by the Conditional Use Permit approval.

7. **Access.** All-weather access shall be provided to the site.

8. **Allowed facilities.** Camps established in compliance with this Section may include the following facilities in addition to tent camping areas, based on the type of camp:

   a. **Organizational camps.** Cabins; meeting hall; swimming pool; permanent restroom facilities; accessory and storage buildings.

   b. **Incidental camping.** Water supply and portable restrooms only. Incidental camping uses may also include spaces for a maximum of 10 self-contained recreational vehicles, without utility hookup facilities.

9. **Sanitation.** Restroom facilities shall be provided as required by the Health Department.

10. **Required findings - incidental camping.** A land use permit for incidental camping shall be approved only where the Review Authority first finds that:

    a. The proposed use will not affect the continuing use of the site as a productive agricultural unit providing food or fibre; and

    b. The proposed use will result in no effect upon the continuance or establishment of agricultural uses on surrounding properties.

B. Dude ranches. A dude ranch is a commercial transient guest occupancy facility incidental to a working ranch, which may include common eating and drinking and recreation facilities subject to the provisions of this Subsection, provided that these facilities shall be used by lodging facility guests only, and not made available to the general public for day use.

1. **Limitation on use.** Dude ranches are not to be established in a residential category.

2. **Permit requirement.** Conditional Use Permit approval.

3. **Application content.** To include a description of recreational facilities and activities to be offered, and an explanation of the relationship between the recreational use and continuing agricultural uses.

4. **Minimum site area.** 160 acres, except that where a proposed facility has obtained a recorded right of access and use of adjoining property for recreational purposes, the Commission may reduce the minimum site area as part of the Conditional Use Permit approval.

5. **Setbacks.** All facilities shall be located no closer than 500 feet from any property line or public road.

6. **Coverage.** The aggregate area occupied by all structures and facilities established for the dude ranch (including all roads, parking areas, lodging and support facilities dedicated to the dude ranch use) shall not exceed two percent of the total site area.

7. **Lodging facilities.**

    a. **Type of facilities allowed.** Dude ranch facilities may be authorized by the Commission to be attached, motel-type units or detached cabins, provided that they include no cooking or eating facilities.

    b. **Occupancy.** Lodging facilities shall be rented only to guests which will also use other dude ranch facilities. Dude ranch lodgings are not to be used for RV park or motel-type overnighters.

    c. **Density.** The density of guest lodgings shall be established by the Commission, with the total number of units to be based upon the capability of the ranching activities to continue without interference from guest activities, provided that the maximum density of lodging facilities shall be no more than one guest unit for each five acres in the Agriculture category, and one guest unit per acre in other categories.

8. **Parking requirement.** To be set through Conditional Use Permit approval.

9. **Required findings.** A Conditional Use Permit for a dude ranch in the Agriculture land use category shall be approved only where the Commission makes the following findings in addition to those required by Section 22.62.060.C.4:

   a. The proposed use will not substantially affect the continuing use of the site as a productive agricultural unit providing food or fibre; and

   b. The proposed use will result in no substantially adverse effect upon the continuance or establishment of agricultural uses on surrounding properties.

   Where located in other than in an Agriculture category, the only required findings are those in Section 22.62.060.C.4.

C. Health resorts and bathing. Commercial health resorts, outdoor hot springs, spas, or hot tub rental operations that are operated as a principal use, and transient lodging facilities accessory to such use, are subject to the following:

1. **Limitation on use.** Health resorts and bathing facilities are not allowed in a Residential Suburban category, and are not allowed in the Agriculture land use category unless the facility is dependent upon a natural on-site resource such as a lake or hot springs.

2. **Permit requirement.** Conditional Use Permit approval, in addition to a Health Department permit as required by Chapter 8.60 of the County Code.

3. **Minimum site area.** 10 acres in the Agriculture and Rural Lands categories; five acres in other rural categories; one acre when located within an urban or village reserve line.

4. **Parking.** Two spaces per hot tub or spa; and one space per 100 square feet of swimming pool area. Where lodging units are included, additional spaces shall be provided at a ratio of one space per lodging unit.

5. **Sanitation and water disposal.** The provision of sanitary facilities and the disposal of wastewater from hot tubs or pools shall be in compliance with requirements established by the Health Department, and by the Regional Water Quality Control Board in compliance with Section 22.10.190 (Regional Water Quality Control Board Review).

D. Hunting and fishing clubs.

1. **Limitation on use.** Hunting and fishing clubs shall be located only in the Agriculture, Rural Lands and Recreation categories.

2. **Permit requirement.** Site Plan Review.

3. **Location.** Hunting activities shall be limited to areas no closer than one-half mile from any residential category or residential use other than that of the applicant.

4. **Setbacks.** Any membership hunting facilities and activities shall be located no closer than 1,000 feet from any property line or the public road. No limitation on the location of fishing activities other than required for structures by Section 22.10.140 (Setbacks) or other provisions of this Chapter.

5. **Camping and lodging.** Allowable only if authorized in compliance with Subsection A. (Camping), or Section 22.30.300 (Lodging - Recreational Vehicle Parks), including the permit requirements of those sections.

6. **Parking requirement.** No improved parking is required, provided that sufficient usable area is made available to accommodate all employee and user vehicles entirely on site, unless other requirements are set through Conditional Use Permit approval.

F. **Sport shooting facilities.** Establishments providing an outdoor shooting range for pistol or rifle target practice, skeet shooting, trap shooting, archery or similar facilities open to the public, members of a club, or public safety agency are subject to the following:

1. **Limitation on use.** Outdoor sport shooting facilities are allowed only in the Agriculture, Rural Lands and Public Facility categories.

2. **Permit requirement.** Conditional Use Permit approval.

3. **Location.** Outdoor sport shooting facilities except for archery shall be located no closer than one mile to any urban or village reserve line or residential land use category; and no closer than one-half mile from any residential use on an adjoining lot.

4. **Minimum site area.** Five acres.

5. **Parking requirement.** To be set through Conditional Use Permit approval.

6. **Noise control.** The proposed use must satisfy the requirements of Section 22.10.120 (Exterior Noise Standards) for the Residential Suburban and Recreation categories, regardless of the land use category in which the range is located.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1986, Ord. 2290; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741] *[22.08.072]*

22.30.530 - Sales Lots and Swap Meets

Outdoor sales lots and swap meets are allowed in the Commercial Service and Industrial categories subject to the provisions of this Section. (Wrecking yards are subject to Section 22.30.380 - Recycling and Scrap.)

A. Sales lots. May be conducted as a principal use (as in the case of a used car lot), or as an accessory use (such as a sales yard in conjunction with a building materials store), subject to the following.

1. Permit requirement. As determined by Section 22.08.030 (Project-Based Permit Requirements - Outdoor Storage Uses), except when a sales lot is accessory to a use that is otherwise required to have a higher permit.

2. Site design standards.

a. Displays. Displays shall be limited to street frontages only. All other property lines shall be screened in compliance with Subsection A.2.d. All signing shall comply with Chapter 22.20 (Sign Standards).

b. Parking requirement. One space per 3,000 square feet of outdoor use area, one space per 300 square feet of office space.

c. Landscape planting. A five foot wide planting strip shall be provided adjacent to all street property lines, consisting of ground-covering vegetation which may be maintained at a height less than three feet, with street trees located within the planting strip at 20-foot intervals. This is in addition to any landscape requirements of Chapter 22.16. (Landscaping).

d. Screening. All interior property lines shall be screened with a six foot high solid wall or fence.

e. Office facilities. When no buildings exist or are proposed on a sales yard site, one commercial coach may be used for an office, provided that such vehicle is equipped with skirting, and installed pursuant the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).

f. Site surfacing. A sales lot shall be surfaced with concrete, A.C. paving, crushed rock, or other material maintained in a dust-free condition. All vehicle drive areas shall be paved with concrete, asphalt or crushed rock.

B. Outdoor equipment rental yards with incidental ready-mix concrete. Outdoor equipment rental yards which include incidental retail ready-mix concrete operations shall satisfy the requirements of Section 22.30.140.B, in addition to the provisions of Subsection A.

C. Swap meets. May be conducted only as a temporary use on the site of another use established in compliance with this Title in a Commercial Service or Industrial category, provided that such site is also in conformity with the standards of this Section.

1. Location. On an arterial, or on a collector which extends between two other collectors or arterials, provided that a swap meet shall not be located on a site that abuts a residential category.

2. Limitation on use. The sale of vehicles is not permitted. Any sales of food items are subject to Health Department approval.

3. Site design standards.

a. Parking requirement. As determined by the Review Authority.

b. Restrooms. Public restrooms shall be provided at a swap meet as required by the Health Department.

c. Site surfacing. Portions of a swap meet site used for sales activities, or pedestrian circulation shall be surfaced with concrete, asphalt, or planted with maintained lawn. Vehicle access and parking areas shall be surfaced in compliance with Chapter 22.18 (Parking and Loading). All site areas not otherwise used for buildings or vehicle circulation shall be landscaped.

4. Operation. Swap meets shall be held during the daylight hours, on no more than two days out of every seven days. This standard may be modified through Conditional Use Permit approval where it is found that the proposed site will be provided with adequate permanent parking and restroom facilities, and that the surrounding area can sustain traffic volumes generated by a swap meet without adverse effects in the area.

[Amended 1987, Ord. 2330; 1992, Ord. 2553; 1993, Ord. 2648; 1999, Ord. 2880] *[22.08.144]*

22.30.540 - Schools

The provisions of this Section apply to public and private schools providing instruction for kindergarten through 12th grade children, and schools providing specialized education and training, where identified by Table 2-2 as being subject to the standards of this Section. Preschools and other child day care facilities are instead subject to Section 22.30.170 (Child Day Care Facilities).

A. Elementary and high schools.

1. **Limitation on use.** Schools in the Office and Professional category are limited to high schools.

2. **Location.** No closer than 1,000 feet to an Industrial or Commercial Service category or 500 feet from a Commercial Retail category.

3. **Parking.** Off-street parking shall be provided at a ratio of two spaces for each classroom, and one space for 100 square feet of administrative or clerical office space. Except that where Chapter 22.18 (Parking and Loading) would require more spaces for an on-site auditorium, stadium, gymnasium or other public or sports assembly facility, the larger number of spaces shall be provided. For all school facilities, parking lot turnover is low; loading bay intensity is low.

B. Specialized education and training schools.

1. **Limitation on use.**

   a. **Agriculture category.** Specialized education and training schools are allowable in the Agriculture category only when the curriculum offered is primarily in subjects related to agriculture or forestry.

   b. **Industrial category.** Specialized education and training schools are allowed in the Industrial category only when the curriculum offered is primarily in subjects related to industry and/or manufacturing..

2. **Parking.** Off-street parking shall be provided at a ratio of one space per seat in the largest classroom or instructional area, in addition to spaces required for any proposed auditorium by Chapter 22.18. Parking lot turnover is high; loading bay intensity is low.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1986, Ord. 2250; 1987, Ord. 2293; 1994, Ord. 2693, 2696] *[22.08.074.a and b]*

22.30.550 - Small-Scale Manufacturing

The establishment of a small-scale manufacturing use in an Agriculture, Rural Lands or Commercial Retail category is subject to the following standards:

A. Limitation on use.

1. **Commercial Retail category.** A small-scale manufacturing use shall not be located in a ground-floor store frontage in a Commercial Retail land use category except where the storefront is used for display and retail sale of the products of the manufacturing operation.

2. **Agriculture and Rural Lands categories.** Small-scale manufacturing in the Agriculture and Rural Lands categories is limited to establishments accessory or secondary to full-time farming or ranching operations on the same site, and which produce farm or ranch-related equipment, or small products sold off-site to supplement farm income. Such use shall be conducted entirely within a building, or in a yard area screened in compliance with Section 22.30.246.

B. Required findings. The approval of small-scale manufacturing in the Agriculture or Rural Lands land use category shall require that the Review Authority first find that the proposed manufacturing use will:

1. Be clearly secondary or accessory to a full-time farming or ranching operation on the same site; and

2. Not detrimentally affect the continuation of agricultural uses on the subject site and on surrounding properties.

[Amended 1981, Ord. 2063; 1992, Ord. 2553] *[22.08.099]*

22.30.560 - Storage Yards

Outdoor storage yards, including the storage of vehicles in other than a day use parking lot or garage, are allowed in the Commercial Service and Industrial categories subject to the provisions of this Section. The storage of vehicles in a public or commercial parking lot or garage is subject to Chapter 22.18 (Parking and Loading); the storage of wrecked or abandoned vehicles, or vehicles being dismantled, is subject to Section 22.30.380 (Recycling and Scrap), in addition to this Section.

A. Limitation on use. Storage yards in the Recreation land use category are limited to the storage of recreational vehicles and boats.

B. Site design standards.

1. **Access.** There shall be only one access point to a storage yard for each 300 feet of street frontage. Such access point shall be a maximum width of 20 feet, and shall be provided with a solid gate or door.

2. **Screening.** A storage yard (except a temporary off-street construction yard) shall be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; provided that this requirement may be waived through adjustment (Section 22.70.030), when:

   a. The side of a storage yard abuts a railroad right- of-way; or

   b. The surrounding terrain would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.

3. **Parking requirement.** None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.

4. **Site surfacing.** A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, maintained in a dust-free condition.

5. **Office facilities.** When no buildings exist or are proposed on a storage yard site, one commercial coach may be used for an office, provided that such vehicle is equipped with skirting, and installed in compliance with the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).

C. Operation. Materials within a storage yard shall not be stacked or stored higher than six feet, except where:

1. Materials stored are vehicles, freestanding equipment, or materials that are of a single piece that is higher than six feet; or

2. The storage yard site is an interior lot within an Industrial land use category that is not visible from a collector or arterial road and from outside the Industrial category; or

3. Screening requirements have been waived or modified in compliance with Subsection B.2; or

4. A higher wall or fence is constructed at the required setback line under an approved building permit and materials stored are not higher than the fence.

[Amended 1992, Ord. 2553] *[22.08.146]*

22.30.570 - Stores and Restaurants in Non-Commercial Categories

The provisions of this Section apply to restaurants, bars, and night clubs where allowed by Section 22.06.030 in other than the commercial land use categories.

A. Limitations on use.

1. Restaurants, bars, and night clubs.

a. Bars or other places selling alcoholic beverages for on-premise consumption as a principal use rather than being accessory to a restaurant are not allowed in residential and agriculture land use categories.

b. Dancing and other entertainment activities normally secondary to a restaurant are not allowed in a residential land use category.

c. A limited food service facility may be established in the Agriculture land use category where there is an existing conforming visitor-serving use (e.g.: winery, riding stable, health resort), and where the use is clearly incidental, related and subordinate in nature and size to the primary operation of the winery as a production facility or to the existing visitor-serving use where the use is not a winery. The limited food service facility shall be within the same structure as the wine tasting facility, or the winery facility where no tasting is proposed, or within the same structure as the visitor serving use where the use is not a winery.

B. Minimum site area. 6,000 square feet in urban areas; one acre in rural areas.

C. Location and access. In Residential categories, the site of a restaurant shall be located on a collector or arterial; the site of a store selling food or beverages for off-premise consumption shall be located at the intersection of two collectors, arterials or combination of both. Such uses may be sited on local streets in Recreation and Office and Professional categories. The site of a limited food service facility in the Agriculture category shall be located within 5 miles from an urban or village reserve line, and on or within one mile of an arterial or collector.

D. Hours of operation. The conduct of retail business in residential or agricultural areas is limited to the hours between 7:00 a.m. and 9 p.m. daily. A limited food service facility in the Agriculture land use category is restricted to the hours the wine tasting facility, or the winery facility where no tasting is proposed, or the visitor serving use where the use is not a winery, is open to the public.

E. Size of accessory restaurant. The size of a limited food service facility in the Agriculture category shall contain no more than 800 square feet of kitchen and dining area, including any outdoor dining area.

[Amended 1984, Ord. 2163; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741; 2001, Ord. 2942] *[22.08.208]*

22.30.580 - Temporary Uses - General Standards

Temporary uses may include construction of permanent structures, grading, or other alteration of a site except the cutting of grasses or weeds, only when the temporary use occurs in conjunction with a construction project authorized by an approved land use or grading permit. *[22.08.241]*

22.30.590 - Temporary Construction Trailer Parks

This Section may allow the developer of a major rural area construction project to provide short-term construction employees the opportunity to use trailers and other recreational vehicles for housing during project construction, provided that such vehicles are located in a special occupancy park approved in compliance with this Section. These requirements are in addition to any permit requirements and other applicable regulations of the California Department of Housing and Community Development in compliance with Title 25 of the California Code of Regulations.

A. Definitions. The following terms are defined for the purposes of this Section:

1. **Major rural area construction project.** A development occurring outside of an urban or village reserve line that will employ 50 or more full-time construction workers during construction. Such projects include but are not limited to energy production, extraction or transmission facilities, pipelines and other land uses requiring Conditional Use Permit approval.

2. **Recreational vehicle space.** A lot or defined area inside a temporary construction trailer park, within which a single occupied travel trailer, motor home, truck mounted camper or other vehicle used for temporary housing purposes may be accommodated.

3. **Title 25.** Title 25 of the California Code of Regulations.

B. Application requirements. The land use permit application shall be filed only by the applicant for the project the park is intended to support, or an independent contractor engaged by the construction project applicant.

C. Limitation on duration of park.

1. **Time for removal.** Except as otherwise provided by Subsection C.2, a temporary construction trailer park shall be removed from the approved site and the site shall be restored to its pre-park state, or other condition or use consistent with the provisions of this Title, within one year from the date of its approval, or within 60 days after completion of the construction project the park supports, whichever comes first.

2. **Extensions of time.** Operation of an approved park may continue beyond the period prescribed by Subsection C.1, if extended by the Review Authority through approval of a request for extension from the applicant before the expiration of one year; or if extended through the approval of another Conditional Use Permit authorizing use of the park to support another approved major rural area construction project. Extensions of time without additional Conditional Use Permit approval may be granted by the Review Authority for a maximum of one year each, and shall not exceed a total of three years.

3. **Guarantee of removal and restoration required.** In order to ensure proper termination, removal and site restoration of a temporary construction trailer park as required by this Section, the applicant shall provide the County a performance guarantee in compliance with Section 22.64.040 before establishment of the park, in an amount to be determined through condition of approval of the Conditional Use Permit.

D. Location criteria.

1. A temporary construction trailer park shall not be located closer than 1,500 feet from any dwelling on other than the site of the park.

2. The park shall not be visible from a public road unless the Review Authority finds that:

   a. The location of a park near a remote rural area construction project will significantly reduce the length of vehicle trips generated by the construction project; and

   b. There is not a site with suitably limited visibility within a reasonable distance of the construction project.

E. Minimum site area: Five acres.

F. Site design and development standards. The design and development of a temporary construction trailer park shall be in compliance with the provisions of Title 25 of the California Code of Regulations for Special Occupancy Parks, Sections 2000 et seq., and the following.

1. **Maximum park density.** 10 recreational vehicle spaces per acre.

2. **Site coverage.** The occupied area of the site shall not exceed 75 percent of the total site area.

3. **Setbacks.** No part of a recreational vehicle shall be located closer than 50 feet to any street property line, and no closer than 30 feet to any interior property line; provided that the Commission may reduce the street property line setback where it finds that site topography or other natural features eliminate the need for the screening or buffering provided by such setbacks.

4. **Security fencing.** A solid wood fence or chain link fence with slats is the minimum requirement for security fencing, which shall be located on all interior property lines and street setbacks.

5. **Parking.** Each recreational vehicle space shall be provided sufficient area to accommodate the parking of one passenger vehicle in addition to the recreational vehicle.

6. **Roads.** Interior park roads may be constructed to the County gravel standard structural section, at the widths provided by Section 2408 of Title 25, provided that such roads shall be maintained in a dust-free condition as required by Title 25.

7. Utilities.

a. Water Supply. Domestic water facilities are not required at each recreational vehicle space but shall be provided as required by Title 25 and shall be constructed in compliance with a permit from the Health Department.

b. Restrooms and sewage disposal. Restroom facilities shall be provided as required by Title 25. Sewage disposal facilities shall be approved by the Planning and Health Departments and Regional Water Quality Control Board. A holding tank dump shall be provided as required by Title 25.

c. Power. Electrical hookups shall be provided each recreational vehicle space.

8. Fire protection facilities. Shall be provided as required by the County Fire Department.

9. Trash collection. The park shall be provided at least one central trash collection area and the applicant shall arrange for weekly removal of trash from the park to an approved disposal site.

[Added 1987, Ord. 2319; 1994, Ord. 2696] *[22.08.268]*

22.30.600 - Temporary Dwellings or Offices

The use of a temporary dwelling or office is subject to the provisions of this Section. Standards for permanent caretaker dwellings are in Section 22.30.430; when a vehicle or temporary or relocatable building is proposed for use as an office for a sales lot (including mobile home sales), such use is subject to the standards of Section 22.30.530 (Sales Yards and Swap Meets).

A. General requirements.

1. **Location.** Temporary dwellings and offices shall be located outside of required setbacks.

2. **Type of structure.** A temporary dwelling or office may be a mobile home, recreational vehicle, or portable modular building in conformity with the Uniform Building Code, except within an urban or village area, a temporary dwelling may only be a recreational vehicle of 29 feet or less in length.

3. **Sanitation and water supply.**

   a. **Restroom required.** A restroom within the temporary dwelling or office, or a portable restroom approved by the Health Department shall be provided.

   b. **Sewage disposal.** Sewage disposal for a restroom within a temporary dwelling or office shall be by means of temporary hookup to community sewer facilities or the on-site septic system; sewage disposal from portable restrooms (only allowed for a temporary office) shall be as authorized by the Health Department.

   c. **Water supply.** Water shall be supplied by a public water supply or on-site well. The temporary dwelling or office shall not be occupied until it is connected by means of a temporary hookup to a public water supply or an approved on-site water supply.

4. **Parking requirement.** None for a temporary dwelling or construction office, provided sufficient usable area is available to accommodate all parking needs entirely on-site; as required by Chapter 22.18 (Parking and Loading), for other temporary offices.

5. **Time limits.** The use of a temporary dwelling or office is subject to the time limits in Subsections B. through E., which may be extended in compliance with Section 22.64.070 (Extensions of Time).

6. **Approved permanent use required.** Temporary dwellings or offices are allowed only while an approved building permit ***and*** an approved land use permit are in effect for the permanent use (Section 22.64.150 - Lapse of Land Use Permit), except where other circumstances are authorized through Minor Use Permit approval or as otherwise provided in this Section. A mobile home shall not be authorized as a temporary dwelling where the permanent dwelling is also proposed to be a mobile home.

7. **Removal of temporary dwelling or office.** Temporary dwelling or office use shall be terminated before issuance of a certificate of occupancy or final building inspection approval of the permanent use.

B. Temporary dwellings. A temporary dwelling may be established on the same site as the construction of a permanent residence, or on the site of a non-residential construction project. A temporary dwelling shall be occupied only by either the property owner, permittee, contractor, or an employee of the owner or the contractor who is ***directly*** related to the construction project. Use of a temporary dwelling is limited to a maximum period of one year, unless the land use permit for the temporary dwelling is extended as set forth in Subsection A.5.

C. Temporary business offices. A temporary business office may be used as follows.

1. On the site of a permanent business facility where such building is under construction; or where a temporary office has been authorized through a land use permit approval; or

2. As a real estate office on the site of an approved new subdivision under construction within an urban or village reserve line or any other residential land use category, for a maximum of two years from recordation of a final subdivision map, unless a longer period is authorized through the tentative subdivision map approval, Minor Use Permit or Specific Plan approval. Such temporary real estate office may occupy one dwelling unit in the subdivision or may be a separate structure; or

3. A financial service (e.g. a bank) may use a temporary business office on the permanent site, or a site other than that proposed for the permanent facility in advance of a decision to construct permanent quarters, for a maximum of 18 months before issuance of a land use permit for a permanent facility, and thereafter until either the permanent facility is established or its land use permit expires.

D. Temporary construction offices. May be established on the site of any subdivision, construction project or temporary off-site construction yard (Section 22.30.620) in compliance with the provisions of this Section. The temporary office may remain on the site until construction is completed.

E. Emergency use of temporary dwellings or offices. In the event of an emergency such as the destruction of a dwelling or the permanent quarters of a business, a temporary dwelling or office may be established in advance of the issuance of a building permit to reconstruct the destroyed structure, provided that a building permit is obtained for the temporary use and proper sanitation facilities are installed in compliance with Health Department approval.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1992, Ord. 2539, 2553; 1999, Ord. 2880] *[22.08.246]*

22.30.610 - Temporary Events

Where allowed by Section 22.06.030, temporary events are subject to the standards of this Section. (Swap meets are subject to the standards of Section 22.30.530 - Sales Lots and Swap Meets.)

A. Permit requirements. Minor Use Permit approval, except as follows.

1. **Public events.** No land use permit is required for:

   a. Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or

   b. Admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in compliance with all applicable provisions of this Title; or

   c. Other free admission events which are eight hours or less in duration and are operated by non-profit organizations.

2. **Commercial entertainment.** Commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

3. **Parades.** Parades and other temporary events within the public right-of-way are not subject to land use permit requirements, provided that all requirements of the County Public Works Department and County Sheriff are met.

4. **Temporary camps.** Temporary camps as a principal use or accessory to another temporary event are subject to the permit requirements and other provisions of Chapter 8.64 of the County Code.

B. Time limit. A temporary event shall be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.

C. Location. The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single-Family land use category.

D. Site design standards. All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code.

1. **Access.** Outdoor temporary events shall be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road.

2. **Parking.** Off-street parking shall be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.

   a. **Seated spectator events.** One parking space for each 12 square feet of seating area.

   b. **Exhibit event.** One parking space for each 75 square feet of exhibit area.

3. **Fire protection.** Facilities to be provided as required by the County Fire Department.

4. **Water supply and sanitation.** Facilities to be provided as required by the Health Department.

E. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation in compliance with the standards of this Chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 22.02.060 (Guarantees of Performance).

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.08.248]*

22.30.620 - Temporary Off-Site Construction Yards

A storage yard for construction supplies, materials or equipment for temporary use during a construction project (which may include a temporary office in compliance with Section 22.30.600) is allowable on a site not adjacent to the construction site subject to the provisions of this Section. The temporary storage of construction materials on or adjacent to a construction site is subject to Section 22.30.040 (Accessory Storage - Building Materials and Equipment).

A. Site design standards. To be determined through the review and approval process for Minor Use Permit proposals in addition to the site design standards as set forth in Section 22.30.560.B (Storage Yards - Site Design Standards); for Site Plan Review proposals as set forth in Section 22.30.560.B (Storage Yards - Site Design Standards).

B. Site restoration required. The site of a temporary construction yard shall be restored to its original vegetative and topographic state within 30 days after completion of construction. Proper site restoration within another period of time shall be approved by the Director. Prior to establishment of the use, all site restoration shall be guaranteed as set forth in Section 22.64.040 (Guarantees of Performance).

[Amended 1992, Ord. 2553] *[22.08.244]*

22.30.630 - Vehicle Storage

This Section applies to commercial parking lots, garage and other establishments engaged in the storage of vehicles for a fee or without fee as a principal use, whether owned and operated publicly or privately. (The storage of vehicles for sale is subject to Section 22.30.530 (Sales Lots and Swap Meets); the storage of vehicles in the Commercial Service and Industrial categories is subject to Section 22.30.560 (Storage Yards)).

A. Limitation on use. Vehicle storage establishments in the Commercial Retail and Office and Professional categories shall be limited to the temporary parking of automobiles, busses and self-propelled recreational vehicles.

B. Minimum site area. 10,000 square feet.

C. Access. From a local street or greater.

D. Development standards. The design and development of parking areas shall be in compliance with Chapter 22.18 (Parking and Loading), except that indoor parking facilities where all parking maneuvers are performed by attendants may use tandem parking.

[22.08.290]

22.30.640 - Warehousing

The standards of this Section apply to warehouse uses in the Residential Multi-Family land use category.

A. Limitation on use. Warehousing shall be limited to mini-storage facilities.

B. Required finding. Prior to the approval of a warehouse use, the Review Authority shall first find that the proposed storage facilities are designed primarily to serve the needs of residents in the same land use category.

C. Development standards. Warehouse facilities are subject to the same site design and site development standards in Article 3 as multi-family dwellings, except residential density.

[Amended 1992, Ord. 2553] *[22.08.402]*

CHAPTER 22.32 - ELECTRIC GENERATING PLANTS

Sections:

22.32.010 - Purpose
22.32.020 - Permit and Application Requirements
22.32.030 - Development Standards
22.32.040 - Steam Electric Generating Facilities
22.32.050 - Wind Energy Conversion Facilities (WECF)
22.32.060 - Photovoltaic Generating Facilities
22.32.070 - Hydro-Electric Generating Facilities
22.32.080 - Co-Generation Facilities

22.32.010 - Purpose

This Chapter provides standards to mitigate the potential adverse effects of various types of electric generating plants.

22.32.020 - Permit and Application Requirements

The following permit and application requirements apply to all electric generating facilities, except where other provisions of this Chapter establish different requirements.

A. Permit requirements. Except where county land use permit authority is preempted by state law, and except where other provisions of this Chapter establish a different permit requirement, the required land use permit is determined by the area in square feet per site of grading or the removal of natural ground cover, as follows:

Permit Requirement	Area of Site Disturbance
Zoning Clearance	Less than 40,000 sf
Minor Use Permit	40,000 sf or more

B. Application contents. In addition to any specific requirements later in this Section, land use permit applications shall comply with the requirements of Chapter 22.62 (Permit Applications) and shall also describe:

1. The physical and operating characteristics of the facility; the proposed design capacity of the facility; the operating schedule; how the electric energy shall be used; and if any electric energy shall leave the site, the physical and contractual arrangement for tying-in to other facilities;

2. Alternatives to the proposed facility and to separable aspects of the proposal. This will include reliability, as well as economic and environmental advantages and disadvantages;

3. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities; and

4. The number and characterization by trades of the estimated construction and operation force. If construction is estimated to take over six months, the construction workforce will be estimated for each six-month period and will include estimates of numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.

C. Approvals from other agencies. If another public agency must approve the proposed facility, the applicant shall:

1. Describe the requirements of that agency; summarize the agency's procedures for acting on the proposed use, and describe the studies, analyses and other data collection which the applicant or agency will perform in order to resolve each substantive requirement of the agency.

2. List the required actions related to the proposed facility by other public agencies and utilities and a schedule for application and approval of those actions.

3. Provide a copy of necessary state and federal permits and all written comments and decisions made by officials of the agencies listed prior to the start of construction.

D. Information from other applications. An applicant may incorporate by reference any information developed or submitted in any other application for the project, provided the applicant submits a copy or summary of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the approval standards of this Title.

[Added 1989, Ord. 2409] *[22.08.312]*

22.32.030 - Development Standards

A. Bonding. Following permit approval and prior to any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and any conditions required by the permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit review and approval process, and will be administered in compliance with Section 22.64.040.

B. Environmental quality assurance. An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit review and approval process.

C. Clearing and revegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil must be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.

D. Utility interconnect. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.

E. Other requirements. Development standards in addition to those specified in this Section and in this Chapter may be imposed through conditions of approval where Minor Use Permit or Conditional Use Permit approval is required.

[Added 1989, Ord. 2409] *[22.08.313]*

22.32.040 - Steam Electric Generating Facilities

A. Application contents. In addition to the general requirements of Section 22.32.020, an application for a steam electric generating facility shall describe:

1. The cooling system, including volume and flow characteristics, source of the cooling fluid and the location, flow and chemical make-up of any liquid or gaseous discharges;

2. Potable water requirements and proposed source;

3. Fuel sources, delivery and storage systems and firing characteristics;

4. The air pollution control system and emission characteristics; and

5. Toxic and/or hazardous materials which will be used during the construction and operation, including estimates of the volumes, the inventory control system that is proposed, the disposition of these materials and the disposal system and ultimate location for disposal.

B. Development Standards - Hazardous Materials. Prior to their delivery and use on-site, the applicant shall submit a hazardous material and waste management plan for review and approval. Details to be contained in this plan will be established in the environmental review and Conditional Use Permit approval process.

[Added 1989, Ord. 2409] *[22.08.314]*

22.32.050 - Wind Energy Conversion Facilities (WECF)

A. Application contents. In addition to the general requirements of Section 22.32.020, an application for a wind energy conversion facility shall describe:

1. The location and elevation of proposed WECF;

2. The location of all above-ground utility lines on-site or within one radius of the total height of the WECF; and

3. The location and size of structures and trees above 35 feet within a 500 feet radius of the proposed WECF. For purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers are not considered structures.

B. Development standards. The following standards apply, in addition to those in Section 22.32.030.

1. Setbacks. The facility shall be setback from property lines at least five rotor diameters for a horizontal axis WECF or the height of a vertical axis WECF.

2. Rotor safety. Each wind conversion system shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application shall include a statement by a California-registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in compliance with good engineering practices. The engineer shall also certify the structural compatibility of proposed towers and rotors. This certification is normally supplied by the manufacturer.

3. Guy wires. Anchor points for any guy wires for a WECF tower shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in a bright orange or yellow covering from three to eight feet above ground.

4. Tower access. Towers shall be constructed to provide one of the following means of access control, or other appropriate method approved by the Director:

a. Tower-climbing apparatus located no closer than 12 feet from the ground;

b. A locked anti-climb device installed on the tower; or

c. The tower shall be completely enclosed by a locked, protective fence at least six feet high.

5. Signs. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

6. **Electromagnetic interference.** The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Director that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.

7. **Height.** The minimum height of the lowest part of the WECF shall be 30 feet above the highest existing major structure or tree within a 250-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas, and slender or open lattice towers are not considered structures. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

8. **Distance from structures.** Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure. Vertical axis wind turbines shall be placed at a distance of at least 10 blade diameters from any structure or tree. The Director may grant a modification for good cause shown; however, in no case shall the turbine be located closer than three blade diameters to any occupied structure.

9. **Undergrounding.** Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of on-site substation.

10. **Public nuisance.** Any WECF which has not generated power for 12 consecutive months is hereby declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal in compliance with Chapter 22.74. [Added 1989, Ord. 2409] *[22.08.316]*

22.32.060 - Photovoltaic Generating Facilities

A. Application contents. In addition to the requirements of Section 22.32.020, an application for a photovoltaic generating facility shall describe:

1. Tracking system design, including a showing that no concentrated reflections will be directed at occupied structures, recreation areas or roads.

2. How public access will be restricted or why public liability is not a concern at the particular facility.

B. Undergrounding required. Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of an on-site substation.

[Added 1989, Ord. 2409] *[22.08.318]*

22.32.070 - Hydro-Electric Generating Facilities

In addition to the general requirements of Section 22.32.020, an application for a hydroelectric generating facility shall describe:

A. How proposed construction and operation of the facility complies with state water rights laws and all other applicable state regulations.

B. Any water diversion facilities proposed for the facility, their relation to existing facilities, and how the surface elevation of any impoundment will change.

C. How the operation of the generating facility will change the flow regime in the affected stream, canal, or pipeline including, but not limited to:

1. Rate and volume of flow;

2. Temperature;

3. Amounts of dissolved oxygen to a degree that could adversely affect aquatic life;

4. Timing of releases; and

5. Whether there will be a change in the up- or down-stream passage of fish.

[Added 1989, Ord. 2409] *[22.08.320]*

22.32.080 - Co-Generation Facilities

A. Application contents. In addition to the general requirements of Section 22.32.020, the application for a co-generating facility shall contain the descriptions required in Section 22.32.040 for steam electric generating facilities as applicable, and shall describe the characteristics of the energy conversions of the proposed facility and the proportions going to the various end-uses and their seasonal variation.

B. Development standards. The standards of Sections 22.32.020, 22.32.030 and 22.32.040.B apply.

[Added 1989, Ord. 2409] *[22.08.322]*

CHAPTER 22.34 - PETROLEUM RESOURCE DEVELOPMENT

Sections:

22.34.010 - Purpose
22.34.020 - Applicability
22.34.030 - Drilling Permit Requirements
22.34.040 - Oil and Gas Well Development Standards
22.34.050 - Petroleum Refining and Related Activities

22.34.010 - Purpose

This Chapter provides reasonable regulations for the extraction and development of onshore petroleum and other subterranean resources in San Luis Obispo County, including but not limited to exploration, production, storage, processing, transportation, and the disposal of petroleum and other hydrocarbons and of any operations accessory thereto. This Chapter is intended to supplement regulations administered by the California State Division of Oil and Gas, to address particular problems in the County that do not apply generally throughout the state. These problems include a limited water supply for agricultural and domestic uses in a county that depends heavily on agriculture and tourism for its economic welfare. The fresh water supply must be fully protected from pollution by petroleum operations. [Amended 1989, Ord. 2409] *[22.08.172]*

22.34.020 - Applicability

All petroleum resource extraction operations shall be conducted in compliance with the standards of this Chapter. The extraction of petroleum from oil sands or shales by any method other than wells is subject to the standards of Chapter 22.36 for surface mining operations). [Amended 1989, Ord. 2409] *[22.08.172]*

22.34.030 - Drilling Permit Requirements

A drilling permit shall be obtained to authorize exploration or production wells for oil, gas, geothermal steam or any other subterranean resource except water (water wells are subject to Chapter 8.40 of this Code), as follows.

A. Exploratory well permit. Exploratory wells are drilled to verify the location, extent, or feasibility of commercial extraction of subterranean resources. Minor Use Permit approval is required for an exploratory well, except that Conditional Use Permit approval is required where drilling is proposed:

1. Within an urban or village reserve line, a Residential Suburban land use category, or a Sensitive Resource Area; or

2. When exploration for, or extraction of any resource other than oil, gas or geothermal steam is proposed.

B. Production well permit. Production wells are permanent installations for the extraction and preparation for transportation of a proven resource.

1. Conditional Use Permit approval is required for establishing any new oil field, other resource extraction production area, or to reopen a field that has been unused for 12 months or more, that involves single or multiple wells and related facilities.

2. Minor Use Permit approval is required where an additional well is proposed in an existing designated oil field, as identified by the California Department of Conservation, Division of Oil and Gas.

C. Application content. In addition to the information required for applications by Chapter 22.62, (Permit Applications) drilling permit applications shall also describe:

1. Location and dimensions of wells, well pads and earthen sumps, location of roads and associated improvements (including housing), locations of any pipelines or storage tanks and pump facilities.

2. Identification of the type of drilling equipment (e.g., portable or fixed) intended to be used in the drilling activities.

3. When landscaping plans are required by Chapter 22.16, they shall include measures proposed for screening producing wells and permanent equipment from the view of public roads or residential uses, revegetation of all cut and fill banks, and restoration of disturbed areas of the site not directly related to oil and gas production.

4. Proposed erosion control measures.

5. All development associated with the proposed well and associated facilities and how that development complies with the standards of this Title.

6. If another public agency must also approve the proposed facility, the applicant shall also provide:

   a. A brief description of the nature and scope of the requirements of that agency, including the agency's procedures for acting on the proposed use.

   b. A schedule for applications and approvals for actions by other responsible agencies.

   c. A copy of all necessary state and federal permits and associated conditions of approval issued by the agencies listed prior to the submittal of the application.

7. An applicant may incorporate by reference any information developed or submitted in any other application, provided the applicant submits a copy or summary of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the approval standards of this Title.

[Amended 1981, Ord. 2063; 1989, Ord. 2409] *[22.08.173]*

22.34.040 - Oil and Gas Well Development Standards

The following standards apply to all resource extraction wells:

A. Bonding. Performance guarantees to assure compliance with applicable provisions of this Title, conditions of approval and other applicable regulations, shall be provided as follows:

1. **Single bonds.** Following approval of a drilling permit and prior to any work on the proposed drilling site, the applicant shall post a surety bond in the minimum sum of $5000 per well, in favor of the County, conditioned that the applicant (who shall be named in the bond) shall faithfully comply with all applicable conditions, restrictions, and requirements of this Title, APCD regulations, and any conditions of approval in drilling or redrilling and maintaining all surface production facilities as required by this Title or APCD regulations and conditions of approval, until abandonment of such facilities in compliance with this Title. The bond shall secure the County of San Luis Obispo against all expenses incurred on account of any failure of the applicant to comply with the provisions of this Title, APCD regulations and any conditions of approval. The bond shall include the correct name or number of the well and such other information as may be necessary to readily identify the well. Such guarantee is in addition to any bond required by the state.

2. **Blanket bonds.** Where the Director is satisfied as to the financial responsibility of an operator, the Director may permit the filing of a bond in the minimum amount of $25,000 to cover all the operator's surface operations in the County, instead of the single bond required by Subsection A.1. The bond shall be accompanied by a rider filed with the Director that includes a description of all operations and facilities covered by the bond.

3. **Increase in bond amount.** The bond amounts in this Subsection may be increased or decreased by the Director when justified by particular circumstances. The Director shall annually review all such bond amounts to determine whether they are adequate to insure compliance with the provisions of this Title. Disputes between the Director and applicant regarding increased or decreased bond amounts shall be subject to the appeal process of Section 22.70.050.

B. Site development.

1. **Roads, access and site preparation.** Roadwork and grading for drill site preparation shall be limited to that necessary for site access and shall be designed and oriented to minimize cut and fill slopes and removal of vegetation. Roads shall be maintained in a dust-free condition by periodic watering or by compacted surfacing. A grading permit may be required for drill site access roads and site preparation, as determined by Chapter 22.52 (Grading).

2. **Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Top soil shall be stripped and stored separately. Disturbed areas no longer required for production will be regraded, covered with topsoil and replanted during the next appropriate season.

3. **Well locations.** A well hole, derrick or tank shall not be placed closer than 100 feet of any residence, or closer than 25 feet from any public road, street or highway, except where the Review Authority determines that separations are unnecessary or ineffective because of physical conditions of the drilling site or the vicinity.

4. **Drilling within a community.** The following standards apply to drilling operations within urban or village reserve lines or Residential Suburban land use categories.

   a. **Portable rig required.** Drilling operations shall use portable drilling apparatus only, which shall be removed from the site within five calendar days from completion of drilling.

   b. **Hours of operation.** Drilling operations may continue uninterrupted once started. Delivery of materials, equipment, tools or pipe shall occur only between the hours of 7 a.m. and 9 p.m., or such other hours as the Commission may establish, except in case of emergency.

5. **Sumps and waste disposal.** All waste substances such as drilling muds, oil, brine, or acids produced or used in connection with oil drilling operations or oil production shall be retained in watertight receptors, from which they can be piped or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Regional Water Quality Control Board. The use of unprotected earthen sumps is prohibited except during drilling operations. Any allowed sump located within view of any public street or within 1,000 feet of any residence shall be enclosed with a fence not less than five nor more than 10 feet in height, mounted on steel posts with not less than three strands of barbed wire around the top, except when an earthen sump is under continuous supervision and use during drilling operations. Fencing shall be constructed of woven wire fencing or equivalent of not greater than six inch mesh.

6. **Fire protection.** Fire fighting apparatus and supplies, approved by the County Fire Department shall be maintained on the site at all times during drilling and production operations.

7. **Completion of drilling.** The applicant shall notify the Director within 10 days after completing or abandoning the facility. Within 30 days after completion or abandonment of an exploratory or production well, all derricks, other drilling apparatus and equipment, including any earthen sumps, shall be removed from the site and the sumps filled. Drill rigs in urban areas shall be removed within five calendar days as provided in Subsection B.4. After completion of drilling, any necessary servicing or maintenance of wells may use portable derricks, if needed.

C. Well operation and site maintenance.

1. **Landscaping.** Within 30 days after the completion of the drilling of a producing well within view of any public street or any residence, production equipment shall be screened, and the entire extraction site, including disturbed areas not directly related to the extraction shall be revegetated and thereafter maintained as shown on the approved

landscaping plan. This requirement is not applicable in Agriculture and Rural Lands categories outside of urban and village reserve lines.

2. **Site maintenance.** The drillsite, permanent equipment and approaches to the site shall be kept in a clean, neat appearing condition free from debris, other than necessary and incidental drilling equipment and supplies. The site shall be maintained so as to prevent any accumulation of oil, oil products, or oil-coated boards, materials or equipment which might cause fumes or odors detrimental to adjoining property.

3. **Storage tanks.** Oil storage tanks erected or maintained on the premises shall be removed no later than 180 days after the first well on the site is completed except where located as part of a permanent tank battery authorized through Conditional Use Permit approval. Oil produced thereafter shall be transported from the drilling site by means of an underground pipeline connected directly with the producing pump without venting to the atmosphere at the drilling site. This requirement is not applicable in Agriculture and Rural Lands categories outside urban and village reserve lines.

4. **Parking and loading.** All parking and loading activities related to well drilling or production shall occur on-site.

5. **Signing.** Only directional, instructional and warning signs, and signs required for identification of a well may be placed on the premises.

6. **Operating wells.** Pumping wells shall be operated by electric motors or muffled internal combustion engines. Pumping units within urban or village reserve lines or Residential Suburban land use categories shall be installed within pits or above-grade structures which screen all mechanical equipment from the view of public roads or adjoining properties and which reduce noise generated by pumping equipment to within the limits specified by Section 22.10.120 (Noise Standards).

7. **Violations.** If the facility is operated in a manner that violates the standards or conditions of this Section or any other required permit, the applicant shall:

   a. Immediately stop, contain, or correct the unauthorized action or inaction.

   b. Within 30 days of the violation, inform the Director in writing about the cause of the violation, its effects, and corrective action the applicant took in response to the violation and proposes to take to prevent a reoccurrence of the violation or its cause.

D. Periodic inspection. All active wells will be inspected annually by the Department. The applicant shall pay the costs of such inspections in compliance with the County Fee ordinance.

E. Well abandonment. The abandonment of an oil well shall occur as follows.

1. All production and processing facilities related to the well shall be removed from the site unless they have been approved for use with another adjacent well.

2. The well site and surroundings affected by drilling operations shall be restored and revegetated to achieve a natural-appearing condition which will approximate their original vegetative and topographic state.

3. The applicant shall notify the Director within 10 days after abandoning the well and associated facilities.

4. The requirements of Title 7.04 of this Code shall be complied with.

5. The applicant shall report the well abandonment as required to the Division of Oil and Gas, and the applicant shall provide the Director a copy of the response received from the Division of Oil and Gas regarding completion of abandonment in compliance with their requirements.

[Amended 1989, Ord. 2409] *[22.08.174]*

22.34.050 - Petroleum Refining and Related Activities

This Section applies to petroleum refining facilities, operations, and related activities, including compounding lubricating oils and greases from purchased materials, oil or gas processing facilities, manufacture of petroleum coke and fuel briquettes, and tank farms.

A. Specific Plan required. A land use permit application for a use included by Article 8 within the definition of Petroleum Refining and Related Activities (including extended reach facilities) may be filed with the Department of Planning and Building and a land use permit may be granted only after a Specific Plan, as described in Government Code Section 65450 et seq., has been approved for the overall development of the parcel, except for:

1. An existing facility used solely for in-field processing of petroleum produced from a field surrounding or adjacent to the facility and not exceeding 10,000 barrels processing capacity of petroleum and related fluids, excluding produced water, per day;

2. An existing facility used solely for in-field compression or sweetening of natural gas and similar fluids produced from a field surrounding or adjacent to the facility;

3. Existing storage facilities having a capacity not exceeding 210,000 barrels of crude petroleum or refined petroleum products;

4. Emergency oil spill response facilities;

5. Additions within existing facilities or modifications to existing facilities mandated by local, state, or federal requirements or by a demonstrated need for replacement due to technological improvement or facility age that do not expand the capacity of a facility by more than 10 percent or expand the existing exterior boundary of the site; and,

6. Any facility described by size, capacity, physical characteristics, and site as part of a previously approved Specific Plan.

B. Specific Plan preparation costs to be borne by applicant. Any applicant requesting preparation and approval of a Specific Plan must, prior to the initial acceptance of the application, agree in writing to pay all reasonable expenses incurred by the County of San Luis Obispo in preparing and reviewing the request within 30 days after being invoiced for such costs, and must deposit with the County of San Luis Obispo a sum to be set in compliance with the fee schedule adopted by County ordinance in order to pay for any such costs incurred by San Luis Obispo County and not otherwise compensated by the applicant.

C. Contents of Specific Plan. Specific Plans shall include all information required by Government Code sections 65450 et. seq., all information required by provision of the San Luis Obispo County General Plan, and by other provisions of County ordinances, and all information required by each of the following;

1. A detailed description of long-term plans for use of the site, including specific characteristics, volumes, and sources of hydrocarbons; specific descriptions of all expected incoming and outgoing transmission or shipment facilities or changes in intensity of use of existing facilities which may result from a proposal; description of anticipated size, type and location of initial and subsequent refining, processing, cogeneration, storage, transmission, and associated facilities; and delineation of transportation and access routes for materials and personnel, including location and physical characteristics of such routes and the incremental burdens to be imposed on each route during construction or operation of facilities and analysis of the extent, if any, to which access routes may create nuisances or hazards for adjacent properties.

2. A schedule for initial and subsequent phases of development of the site which specifies the anticipated order in which facilities will be constructed and operated, circumstances which will cause need for specific facilities, and anticipated timing of commencement of permitting, construction, operation, peak operation, and decommissioning for each facility;

3. Volume and time of demand for other resources including but not limited to water, natural gas, and electricity;

4. Identification, volume and nature of hazardous materials other than crude oil, natural gas, or petroleum products refined on-site to be imported into the site, stored or produced on-site, transmitted or shipped off-site, as well as characterization of any hazardous waste contamination existing on the parcel or which may be expected from construction or operation of the planned facility;

5. An analysis of the compatibility of the proposed use with present characteristics of the parcel, with surrounding uses, and with the physical, cultural, socioeconomic, recreational and aesthetic character of the surrounding region;

6. A plan showing that the proposed use will be buffered and screened from adjacent land uses to protect adjacent uses, the proposed use, and the people and resources of the region from harm or encroachment;

7. An analysis of the extent to which the configuration and characteristics of intended facilities and operations will be compatible over the life of facilities with surrounding uses, physical, cultural, socioeconomic, recreational and aesthetic characteristics of the region, and with public health and safety;

8. Plans of the proponent and any partners or other operators for any fields expected to send production to the planned facility together with a showing of the extent to which the planned facility addresses consolidation of processing, refining, storage, shipment and transmission of hydrocarbons;

9. A detailed description of a buffer area which includes a sufficient area around the planned project to confine, buffer, and screen impacts, including potential impacts, from the project and to prevent encroachment of incompatible land uses within the area of influence of the planned facility to promote public health and safety, and to promote land use compatibility by designating an area around the facility within which no land uses incompatible with the proposed project will be allowed during the life of the project. The precise designation of the buffer area shall be reviewed during the CEQA process and approved at the time of Specific Plan approval to prevent subsequent encroachment.

D. Factors to be considered. Because the Specific Plan is a tool for the systematic implementation of the General Plan, it must be precise in its descriptions of the distribution, location, and extent and intensity of the major components for the proposed facility. Prior to the approval of any Specific Plan requested in compliance with this Section, the Board shall consider whether its action protects and promotes community health, safety, air and water quality, soil and habitat stability, riparian and wetland areas, cultural and visual resources, traffic and noise thresholds, land use compatibility, and availability of services and also recognizes a need for facilities to support offshore or onshore hydrocarbon production.

E. Pre-application conference required. Conditional Use Permit applications filed after approval of the Specific Plan, as required by Subsection 22.30.050.A, shall be preceded by a pre-application conference scheduled by the Department. The purpose of the conference shall be to identify concerns, standards, regulatory limits, application contents, information needs, requirements and mitigations as set forth in the approved Specific Plan, and format requirements that are necessary to process and evaluate a proposal.

F. Permit requirements. Conditional Use Permit approval by the Board is required for all new uses and any expansion of the external boundaries of existing uses. The action of the Review Authority described in Section 22.62.060 shall be a recommendation to the Board. Minor Use Permit approval is required for modification of facilities within an existing approved development, unless a condition of a previous Conditional Use Permit approval sets a different land use permit requirement.

G. Application requirements. In addition to the application content requirements of Chapter 22.62 (Permit Applications) an application filed in compliance with this Section shall also include written explanation of the following requirements as determined at the preapplication conference:

1. The proposed design capacity of the facility; the operating schedule; the energy use; the products and materials to be received at the facility; how the products and materials shall be delivered; the processing methods; the products to leave the site; and the physical and contractual arrangements for connections with other facilities.

2. Alternatives to the proposed facility and to separable aspects of the proposal. This discussion shall include discussion of reliability of the proposed facility and alternatives, as well as their economic and environmental advantages and disadvantages.

3. Plans for any overhead or underground electric transmission lines, transformers, inverters, switchyards, including their size and capacity or any required new or upgraded off-site transmission facilities.

4. Plans for any other required utility connections such as telecommunications, natural gas, water or sewage. This will include physical arrangements, timing of construction, expected volumes, and contractual arrangements.

5. The cooling system, if any, including volume and flow characteristics, source of the cooling fluid and the location, flow and chemical make-up of any liquid or gaseous discharges.

6. Potable water requirements and proposed source.

7. The fuel sources, delivery and storage systems and firing characteristics.

8. The air pollution control system and emission characteristics.

9. The characteristics of the liquid and solid wastes produced and the liquid and solid waste disposal systems.

10. Any toxic and/or hazardous materials as defined by the EPA or the State of California which will be used during the construction and operation, including estimates of the volumes of each, the inventory control system that is proposed, the disposition of these materials and the disposal system and ultimate location for disposal. The applicant shall also demonstrate why non-toxic materials cannot be substituted for the toxic and/or hazardous materials proposed.

11. An oil spill contingency plan, a spill prevention control and countermeasure plan and a system safety plan.

12. If another public agency must also approve the proposed facility, the applicant shall also provide:

    a. A brief description of the nature and scope of the requirements of that agency; including the agency's procedures for acting on the proposed use.

    b. A schedule for applications and approvals for actions by other responsible agencies.

    c. A copy of all necessary state and federal permits and associated conditions of approval issued by the agencies listed prior to the submittal of the application.

13. An applicant may incorporate by reference any information developed or submitted in any other application, provided the applicant submits a copy of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the standards for approval in compliance with this Title.

14. The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools, traffic, water supply, waste water facilities and emergency services.

H. Standards and specifications. The following standards apply in addition to other applicable provisions of this Title, and any requirements imposed through the Conditional Use Permit process.

1. Bonding. Following permit approval and before any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and all conditions required by the Conditional Use Permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit approval process.

2. Environmental quality assurance. An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted for approval by the Director prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific components of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit approval process.

3. Clearing and revegetation. The land area disturbed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation shall be regraded, covered with topsoil and replanted during the next appropriate season.

4. Utility interconnect. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the affected utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the chief building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.

5. Hazardous materials. Prior to their delivery and use on-site, the applicant shall submit a hazardous material and waste management plan for review and approval. Details to be contained in this plan will be established through the environmental review process and the Conditional Use Permit approval process.

[Added 1985, Ord. 2239; Amended 1989, Ord. 2409; 1991, Ord. 2523; 1999, Ord. 2880] *[22.08.094]*

CHAPTER 22.36 - SURFACE MINING AND RECLAMATION

Sections:

22.36.010 - Purpose
22.36.020 - Applicability
22.36.030 - Surface Mining Practices
22.36.040 - Permit Requirements for Surface Mining
22.36.050 - Reclamation Plan
22.36.060 - Financial Assurances for Guarantee of Reclamation
22.36.070 - Public Records
22.36.080 - Annual Review
22.36.090 - Nuisance Abatement
22.36.100 - Underground Mining
22.36.110 - Use of County Roads by Extraction Operations

22.36.010 - Purpose

A. This Chapter provides regulations for surface mining and related mineral extraction operations, to provide for the reclamation of mined lands, prevent or minimize adverse environmental effects and safety hazards, and provide for the protection and subsequent beneficial use of mined and reclaimed lands. Because surface mining occurs in areas diverse in environmental and social conditions, reclamation operations and specifications may vary accordingly.

B. These standards are adopted as required by the California Surface Mining and Reclamation Act of 1975 (SMARA) (Section 2207 and 2710 et seq. of the Public Resources Code and Chapter 8, Title 14, California Code of Regulations, Section 3500 et seq.).

C. Surface mining operations include the processes of removing overburden and mining directly from mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. In addition, surface mining operations include, but are not limited to: Inplace distillation, retorting or leaching; the production and disposal of mining waste; prospecting and exploratory activities; borrow pitting, streambed skimming, segregation, recovery, and stockpiling of mined materials; and extractions of natural materials for building, construction.

[22.08.180 and 180a]

22.36.020 - Applicability

A. Permit and reclamation plan required. No person shall conduct surface mining operations unless a permit, financial assurances, and reclamation plan have first been approved by the County for such operations, except as otherwise provided by this Chapter.

B. Exceptions. The provisions this Chapter are not applicable to:

1. Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster when the excavation is conducted only on the land directly affected by disaster.

2. Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one site of one acre or less, provided:

   a. A grading permit is required for such exploration in compliance with Chapter 22.52 (Grading); and

   b. Each such site is restored to a natural appearing or otherwise usable condition to the approval of the Director upon completion of exploration.

3. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or cover more than one acre in any one site. (This does not exempt the owner from obtaining a Grading Permit if required by 22.52 (Grading)).

4. The solar evaporation of sea water or bay water for the production of salt and related minerals.

5. Other mining operations categorically identified by the State Board in compliance with Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.

C. Conflicting provisions. Where any conflicts arise as to materials, methods, requirements, and interpretation of different sections between this Chapter, and Chapter 22.52 (Grading), the most restrictive shall govern.

[Amended 1992, Ord. 2553; 1994, Ord. 2696] *[22.08.180b, c, d]*

22.36.030 - Surface Mining Practices

The state guidelines for surface mining and reclamation practices contained in the Surface Mining and Reclamation Act of 1975 (SMARA) Section 2207 and 2710 et seq. of the Public Resources Code and Chapter 8, Title 14, California Code of Regulations, Section 3500 et seq. are incorporated into this Chapter as though they were set fully forth here, excepting that when the provisions of this Chapter are more restrictive than conflicting state sections, this Chapter shall prevail, and are the minimum acceptable practices to be followed in surface mining operations.
[Amended 1994, Ord. 2696] *[22.08.181]*

22.36.040 - Permit Requirements for Surface Mining

A. New surface mining operations. Conditional Use Permit approval shall be obtained before starting any surface mining operations as defined in this Chapter, except as provided in Subsection B. New mines shall be limited to a maximum of one operator per site, and such operator shall take full responsibility for reclamation per Section 22.36.060.

B. Existing surface mining operations. A person who has obtained a vested right to conduct a surface mining operation before January 1, 1976, need not secure a permit as required by Subsection a, as long as the vested right continues and there are no substantial changes. All operations are required to have an approved Reclamation Plan and Financial Assurances per Sections 22.36.050 and 22.36.060. Provided, however, that Conditional Use Permit approval is also required if an existing mine is changed by increasing the on-site processing capabilities of the operation or by changing the method of mining (i.e. from mechanical to hydraulic technology), or the mine is expanded beyond the external boundaries of the original surface mining site.

C. New operations on a reclaimed site. The resumption of surface mining operations on a site where reclamation was previously completed shall only occur in compliance with the approval of a new Conditional Use Permit and Reclamation Plan.

D. Vested right defined. For the purposes of surface mining operations only, a person is deemed to have a vested right if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial costs for work and materials necessary therefor. Expenses incurred in obtaining an amendment to the Land Use Element, or the issuance of a permit to establish or expand a mine, are not deemed costs for work or materials.

E. Surface mining permit review procedure. The Department of Planning and Building will review the permit application and the reclamation plan for accuracy and completeness, and coordinate review of the application and plan with the State Department of Conservation and other agencies. A public hearing will be scheduled after the filing of both the permit application and the reclamation plan. The hearing will be held in compliance with Section 22.70.060. The purpose of the hearing will be to consider the applicant's request and to approve, conditionally approve or disapprove the issuance of a permit and reclamation plan for the proposed surface

mining operation. Approval or conditional approval may be granted only upon making the findings that the application and reclamation plan or amendments to reclamation plan and reports submitted:

1. Adequately describe the proposed operation in sufficient detail and comply with applicable state mandated requirements of SMARA;

2. Incorporate adequate measures to mitigate the probable significant adverse environmental effects and operational visual effects of the proposed operation;

3. Incorporate adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas;

4. Show proposed uses which are consistent with the County General Plan; and

5. Demonstrate that the uses proposed are not likely to cause public health or safety problems.

In addition, when any significant environmental impact has been identified, the findings mandated by the Public Resources Code shall be made.

[Amended 1992, Ord. 2553; 1992, Ord. 2583; 1994, Ord. 2696] *[22.08.182]*

22.36.050 - Reclamation Plan

A. When required.

1. Proposed surface mining operations. Approval of a reclamation plan shall be obtained before starting any proposed surface mining operation for which a permit is required by Section 22.36.040.

2. Active surface mining operations.

a. No later than July 5, 1980, any person who is presently conducting surface mining operations under a vested right obtained before January 1, 1976, shall file with the Department of Planning and Building a reclamation plan for all operations conducted and planned after January 1, 1976. Provided, however, that a reclamation plan need not be filed if:

(1) A reclamation plan was approved by the County before January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in compliance with that plan; or

(2) The owner/operator files a letter with the Department of Planning and Building stating that the mine is being temporarily deactivated, and agreeing to file a reclamation plan as set forth in Subsection A.3 before resuming operations; or

(3) Surface mining operations were completed before January 1, 1976.

b. In the case of surface mining operations physically conducted and operated by San Luis Obispo County agencies in support of county projects, the County agency shall file the required reclamation plan , which shall be reviewed as described below in Subsection A.3.b, A.3.c, and A.3.d, subject to the other provisions of this Chapter.

3. Temporarily deactivated surface mining operations.

a. Within 90 days of a surface mining operation becoming idle, the operator shall submit an interim management plan to the department. "Idle" is defined as curtailing for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. The interim management plan shall be processed as an amendment to the Reclamation Plan, but shall not be considered a project for the purposes of environmental review. The plan shall provide measures which the operator will implement to maintain the site in compliance with this ordinance, SMARA, and all conditions of the Conditional Use Permit and/or Reclamation Plan.

b. Within 60 days of receipt of the interim management plan, or a longer period mutually agreed upon by the Department of Planning and Building and the operator, the plan shall be reviewed by the department. During this time period, the plan will either be approved by the Review Authority or the operator shall be notified in writing of any deficiencies in the plan or additional information needed to review the submittal. The operator shall have 30 days, or a longer period if mutually agreed upon, to submit the revised plan or additional information. The Review Authority shall approve or deny the revised interim management plan within 60 days of receipt of a plan that has been determined to be complete by the department. If the plan is denied by the Review Authority, it may be appealed as described in 22.70.050.

c. The interim management plan may remain in effect for a period not to exceed five years, at which time the operator may apply to renew the plan for one more period not to exceed five years. The renewal shall be processed as an amendment to the Reclamation Plan and, prior to approval, the Review Authority must find that the operator has complied with the previously approved plan. The Review Authority may then either approve the renewal or require the operator to commence reclamation in compliance with its approved Reclamation Plan. In any event, the required financial assurances, sufficient to reclaim a mine in accordance with the Reclamation Plan, shall remain in effect during the period the surface mining operation is idle. If the surface mining operation is still idle after expiration of its interim management plan, reclamation shall commence in compliance with its approved Reclamation Plan.

d. The owner/operator of a surface mining operation for which a vested right was obtained before January 1, 1976, and which is temporarily deactivated on the effective date of this Title shall, prior to reactivation, receive approval of a Reclamation Plan for operations to be conducted after January 1, 1976. Failure to receive approval of a reclamation plan before reactivating a temporarily deactivated operation shall create a presumption of termination of the vested right and surface mining operations shall be prohibited unless a new Surface Mining Permit is approved.

B. Reclamation plan filing and content. The filing and content of all reclamation plans shall be in compliance with the provisions of this Chapter and as further provided in Section 2770 et seq. of the Public Resources Code. All applications for a reclamation plan shall be made on forms provided by the County Department, and as called for by the Public Resources Code. The plan shall be prepared by a registered civil engineer, licensed landscape architect, state-registered geologist or forester, or other qualified professional approved by the Director.

1. Reclamation standards. The proposed plan shall include detailed and verifiable provisions adequate to determine compliance with the minimum SMARA performance standards for reclamation as described in Section 3500 et seq. of the California Code of Regulations. The plan shall include provisions for, but shall not be limited to, the following:

a. wildlife habitat;

b. backfilling, regrading, slope stability, and recontouring;

c. revegetation;

d. drainage, diversion structures, waterways, and erosion control;

e. agricultural land reclamation;

f. building, structure, and equipment removal;

g. stream protection, including surface and groundwater;

h. topsoil salvage, maintenance, and redistribution;

i. tailing and mine waste management.

2. Phasing of reclamation. Proposed plans shall include a reclamation phasing schedule where appropriate, which is consistent with the phasing of the mining operation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation measures may also be required for areas that have been disturbed and will be disturbed again in future operations. The phasing schedule shall include the following minimum components:

a. the beginning and expected ending dates for each phase;

b. a clear description of all reclamation activities;

c. criteria for measuring completion of each specific activity; and

d. estimated costs for each phase of reclamation as described in Section 22.36.060.

3. Visual resources. The reclamation plan shall, to the extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include, but not be limited to, resoiling, recontouring of the land to be compatible with the surrounding natural topography, and revegetation and the end use or uses specified by the landowner. Where the mining operation requires the leveling, cutting, removal, or other alteration of ridgelines on slopes of twenty percent or more, the reclamation plan shall ensure that such mined areas are found compatible with the surrounding natural topography and other resources of the site.

C. Notification of Department of Conservation (State). The State will be notified within 30 days of the filing of all permit applications and reclamation plans. The State shall have 45 days to prepare written comments prior to any final action taken by the Review Authority. Any comments provided will be evaluated and a written response describing the disposition of the major issues will be included in the staff report. When the Review Authority's position is different from the recommendations and/or objections raised in the state's comments, the staff report shall describe in detail why specific comments and suggestions were not accepted.

D. Reclamation plan review procedure. The Department of Planning and Building will review the reclamation plan for accuracy and completeness, and coordinate review of the plan by other agencies. It will be processed following the procedure as described in Section 22.02.050 (Minor Use Permit), including the environmental review process and a subsequent public hearing. A reclamation plan will be accepted for review only when the Director has determined that the surface mining operation was established in compliance with legal requirements applicable at the time of its establishment. Such determination shall be based upon information submitted by the applicant, relevant county records, or a Certification of Vested Right previously issued by the County. Approval or conditional approval of a reclamation plan may be granted only upon making the finding that the reclamation plan or amendments thereto:

1. Adequately describes the proposed operation in sufficient detail and complies with applicable requirements of SMARA;

2. Incorporates adequate measures to mitigate the probable significant adverse environmental effects of the proposed operation;

3. Incorporates adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas, and to a use consistent with the General Plan. Where a significant environmental impact has been identified, all findings mandated by the Public Resources Code shall be made.

E. Amendments. Amendments to an approved reclamation plan can be submitted to the County at any time, detailing proposed changes from the original plan. Such amendments shall be filed with, and approved by the County using the same procedure required for approval of a reclamation plan by Subsection d.

[Amended 1994, Ord. 2696] *[22.08.183]*

22.36.060 - Financial Assurances for Guarantee of Reclamation

Appropriate security or guarantees shall be provided by the applicant to ensure proper implementation of the reclamation plan as required by the Public Resources Code, as a condition of issuance of a permit and/or approval of a reclamation plan. The guarantee may be in the form of a surety bond, trust fund, irrevocable letter of credit, or other financial assurance mechanisms acceptable and payable to the County and the State Department of Conservation (beneficiaries must be stated as "County of San Luis Obispo or Department of Conservation") and consistent with the procedure described in Section 22.62.040 . The amount of financial assurances shall be determined and processed as follows.

A. The applicant shall provide estimated total costs of reclamation and maintenance for each year or phase as approved in the Reclamation Plan. Cost estimates shall be prepared by a licensed civil engineer, licensed landscape architect, state-registered forester, mining operator, or other qualified professionals retained by the operator and approved by the Director. In estimating the costs, it shall be assumed without prejudice or insinuation that the operation could be abandoned by the operator and, consequently, the County or state may need to contract with a third party to complete reclamation of the site. Cost estimates shall include, but not be limited to, labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a third party.

B. Two copies of the cost estimates, including documentation of the calculations, shall be submitted to the Director for concurrent review by the County and the state. One copy will be transmitted to the State Department of Conservation for their review. The state shall have 45 days to prepare written comments regarding consistency with statutory requirements prior to any final action taken by the County. When the Director's position is different from the recommendations and/or objections raised in the state's comments, the County will prepare a written response describing in detail why specific comments and suggestions were not accepted. Upon notification of approval of the financial assurances, the applicant will have 30 days to return a completed performance agreement and valid financial assurance mechanism to the Director.

C. The amount of the financial assurance will be reviewed as part of the annual review of the operation by the County to determine if any changes are necessary. Where reclamation is phased in annual increments, the amount shall be adjusted annually to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim

reclamation, as necessary, for any partially excavated areas in compliance with the approved Reclamation Plan. Financial assurances for each year shall be reviewed upon successful completion of reclamation (including maintenance) of all areas that will not be subject to further disturbance and adjusted as necessary to provide adequate assurances for the following year. Prior to county approval, any amendments or changes to an existing financial assurance will be submitted to the state for its review.

D. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency. Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the lead agency, which shall be forwarded to the operator and the state, that reclamation has been completed in compliance with the approved reclamation plan.

[Amended 1994, Ord. 2696] *[22.08.184]*

22.36.070 - Public Records

Reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter are public records unless the applicant states in writing that such information, or part thereof, would reveal production, reserves, or rates of depletion which are entitled to protection as proprietary information. The County shall identify and file such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted, including proprietary information, shall be furnished to the District Geologist of the State Division of Mines. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner. (See Public Resources Code Section 2778). *[22.08.185]*

22.36.080 - Annual Review

An annual inspection shall be conducted by the County for all active surface mining operations within six months of receipt of the operator's annual report filed with the State Department of Conservation and upon payment of the inspection fee to the County. The purpose of the inspection shall evaluate continuing compliance with the permit and reclamation plan. A fee for such inspections is established by the County fee resolution. All inspections will be conducted using a form provided by the State Mining and Geology Board. An inspector shall not be used who has been employed by the mining operation in any capacity during the previous 12 months. The County will notify the operator and the state within 30 days of completion of the inspection and forward copies of the inspection form and any supporting documentation. Any surface mine subject to this inspection requirement for which the inspection fee remains unpaid 30 days or more from the time it becomes due constitutes grounds for revocation of such permit or plan. Surface mining operations which are determined to be in violation by the County or the state may be subject to administrative penalties not to exceed five thousand dollars ($5,000) per day, assessed from the original date of noncompliance, in compliance with Section 2774 of the Public Resources Code and as described in Chapter 22.74. [Amended 1994, Ord. 2696] *[22.08.186]*

22.36.090 - Nuisance Abatement

Any surface mining operation existing after January 1, 1976, which is not conducted in compliance with the provisions of the chapter, constitutes a nuisance and shall be abated in compliance with Chapter 22.74 (Enforcement). Any surface mining operation for which a vested right exists, but which is deactivated as of the effective date of this Ordinance constitutes a nuisance to be abated if surface mining operations are again started without compliance with the applicable provisions of this Chapter. *[22.08.187]*

22.36.100 - Underground Mining

The mining and extraction of subterranean mineral deposits by means of a shaft or tunnel is subject to the following standards.

A. Permit requirements. Conditional Use Permit approval is required:

1. To authorize the commercial production of ore; or

2. When the total volume of tailings produced exceeds 1,000 cubic yards; or

3. When any on-site processing of ore is proposed.

No land use permit is required for prospecting and exploration activities where the volume of tailings produced is less than 1,000 cubic yards, except when a grading permit is required by Chapter 22.52 (Grading), or any authorizations are required by the State Division of Mines and Geology, the Federal Mine Safety Administration, and/or California Regional Water Quality Control Board.

B. Surface operations. All surface operations in conjunction with an underground mine are subject to the standards for surface mining operations (Sections 22.36.010 through 22.36.090).

[Amended 1992, Ord. 2553] *[22.08.192]*

22.36.110 - Use of County Roads by Extraction Operations

In any case where a proposed resource extraction operation (including extraction wells, surface and subsurface mining) will use county roads for the conveyance of extraction equipment or extracted products, and when in the opinion of the County Public Works Department, the resource extraction operation would impact the County road to a degree that would likely cause the expenditure of additional maintenance funds, the applicant shall enter into an agreement with the County as provided by this Section prior to the commencement of any resource extraction operations. When an agreement is required, the applicant shall execute such an agreement with the County Public Works Department to deposit into the County road fund a sum to be determined by the County Public Works Department based upon the volume of resource being hauled over county roads as compensation for the increase in road use and road maintenance requirements generated by the project. [Added 1981, Ord. 2063; Amended 1992, Ord. 2553] *[22.08.192]*

ARTICLE 5

Site Development Standards

Chapter 22.50 - Fire Safety 5-3

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CHAPTER 22.50 - FIRE SAFETY

Sections:

22.50.010 - Purpose of Chapter
22.50.020 - Applicability
22.50.030 - Fire Safety Plan
22.50.040 - Fire Safety Standards

22.50.010 - Purpose of Chapter

The standards of this Chapter provide for precautions to minimize hazards to life and property in the event of fire.

22.50.020 - Applicability

Any proposed use that requires land use permit approval is subject to the provisions of this Chapter. [Amended 1991, Ord. 2523] *[22.05.080]*

22.50.030 - Fire Safety Plan

The purpose of a fire safety plan is to enable a fire protection agency that has jurisdiction over a proposed site to evaluate the adequacy of proposed fire protection measures, and to keep itself informed of new developments to evaluate their effect upon the ability of the agency to provide continuing service. The approval of a fire safety plan does not imply a commitment by any agency to an increased level of service.

A. Where required. A fire safety plan be submitted with a land use permit application as follows.

1. **Within urban and village reserve areas.** All land use permit applications shall be submitted to the applicable fire protection agency, except for single family dwellings proposed on existing lots where a letter from the applicable fire protection agency is submitted that verifies that adequate fire flow and fire hydrants exist.

2. **Rural areas.** All applications for uses proposed outside of urban or village reserve lines are to be submitted to the County Fire Chief or designated appointee, except agricultural uses not involving buildings and agricultural accessory buildings.

3. **Exception.** The requirements of this Section may be waived where the applicable fire protection agency verifies in writing that fire safety review is unnecessary.

B. Fire safety plan content.

1. **Urban and village areas.** A fire safety plan identify the location of the fire hydrant nearest to the site; the location of any emergency firefighting equipment or water supplies on the proposed site; the location of any explosive or flammable materials; and means of access to all structures available for firefighting equipment.

2. **Rural areas.** A fire safety plan include the location of. available water storage; any storage of fuel, explosives, flammable or combustible liquids and gases; and identification of the extent of proposed vegetative fuel reduction areas.

3. **Exception to content requirements.** Where the applicable fire protection agency determines that information provided with the project application and plans is sufficient to enable fire safety review without the need for a separate fire safety plan, the information required by Subsections B.1 and B.2 need not be supplied. A letter verifying the adequacy of application information shall be submitted to the Planning and Building Department.

C. Fire safety plan review.

1. **Timing of review.** Review of a fire safety plan be completed before approval of a Site Plan Review, Minor Use Permit or Conditional Use Permit application; and before application for construction permits in cases of Zoning Clearance approval.

2. **Effect of review.** Review of fire safety plans result in a recommendation to the applicant on the adequacy of proposed fire protection measures, which does not affect approval or disapproval of a project application, except.

   a. Where the recommendations of the agency enforce the specific provisions of this Chapter or, where applicable, the Uniform Fire Code and the State Responsibility Area Fire Safe Regulations (Public Resources Code Section 1270 et seq.).

   b. Where the authority vested in the fire protection agency enables the agency to mandate fire protection requirements for new development, such requirements shall be met before final building inspection has been granted or prior to occupancy where allowed by Section 19.04.042 (Occupancy or use of an incomplete structure).

   c. In the case of applications for Minor Use Permit or Conditional Use Permit approval, recommended fire protection requirements shall be considered as conditions of approval in compliance with Section 22.62.060.C.2 (Conditional Use Permit Approval - Additional Conditions).

[Amended 1991, Ord. 2523; 1992, Ord. 2553] *[22.05.082]*

22.50.040 - Fire Safety Standards

In areas where fire protection is provided by the San Luis Obispo County Fire Department/California Department of Forestry and Fire Protection, new uses shall comply with applicable provisions of the Uniform Fire Code, 1988 Edition, or later edition adopted by County ordinance. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with the fire safety standards as required by the fire protection agency.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1988, Ord. 2367; 1991, Ord. 2523]

[22.05.086]

CHAPTER 22.52- GRADING AND DRAINAGE

Sections:

22.52.010 - Purpose
22.52.020 - Purpose and Intent of Grading Regulations
22.52.030 - Administrative Procedures
22.52.040 - Grading Permit Required
22.52.050 - Exemptions from Grading Permits
22.52.060 - Fees
22.52.070 - Grading Permit Requirements
22.52.080 - Drainage Plan Required
22.52.090 - Erosion and Sedimentation Control Plan Required
22.52.100 - Groundwater Recharge
22.52.110 - Review, Approval and Permits
22.52.120 - Construction and Inspections
22.52.130 - Standards
22.52.140 - Enforcement and Interpretations
22.52.150 - Definitions

22.52.010 - Purpose

This Chapter establishes standards for the preparation of sites for development and construction activities, to protect the health, safety and welfare of persons living on or near a project site by protecting against unwarranted or unsafe grading, or soil erosion resulting from grading; by defining appropriate circumstances for tree removal; by providing for adequate drainage and fire protection facilities; and by identifying appropriate standards for other aspects of site development. *[22.05.010]*

22.52.020 - Purpose and Intent of Grading Regulations

The Board expressly finds that the regulations, conditions and provisions of this Chapter constitute minimum grading standards and procedures necessary to protect and preserve life, limb, health, property, and public welfare.

A. This Chapter establishes standards for grading and excavation activities to mitigate or effectively:

1. Reduce hazards to life and property;

2. Reduce the harmful effects of storm water runoff;

3. Reduce drainage problems from new development;

4. Protect against erosion and sedimentation;

5. Enhance slope stability; and

6. Encourage groundwater recharge.

B. This Chapter is also intended to:

1. Protect natural, scenic, and cultural resources; and

2. Provide for the safety, use, and stability of public rights-of-way and drainage channels; and

3. Prevent related environmental damage to private and public property.

This Chapter also establishes the administrative procedure for the issuance of permits and provides for approval of plans and inspection of grading construction.

[22.05.020]

22.52.030 - Administrative Procedures

All grading activities are to occur in compliance with the provisions of Chapters 29 and 33 of the currently adopted Uniform Building Code, which is hereby adopted and incorporated into this Title by reference as though it were fully set forth herein. In the event of any conflict between the provisions of this Chapter and Chapters 29 and 33 of the Uniform Building Code, this Title shall apply. *[22.05.022]*

22.52.040 - Grading Permit Required

Except as provided in Section 22.52.050.B and C. (Exemption from Permit Requirements), no person shall perform any grading, including both excavation or fill, without first obtaining a grading permit for such work. A separate permit shall be required for each site. Contiguous sites being graded as one integrated project may be considered one site for purposes of this Section.

In granting any permit in compliance with this Chapter, the Director and, where provided, the County Engineer, may impose such conditions as may be necessary to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property or to assure conformity to the County General Plan.

A. Grading. For the purposes of this Chapter, "grading" is defined as follows:

1. All new earthwork that involves one or more of the following activities: excavations, fills, dams, reservoirs, impoundments, diking, dredging borrow pits, stockpiling, or compaction of fill where the amount of material cumulatively for any of the above mentioned operations exceeds 50 cubic yards; AND

   a. The excavation is more than two feet in depth, OR

   b. Creates a cut slope greater than five feet in height and steeper than one and one half horizontal to one vertical; OR

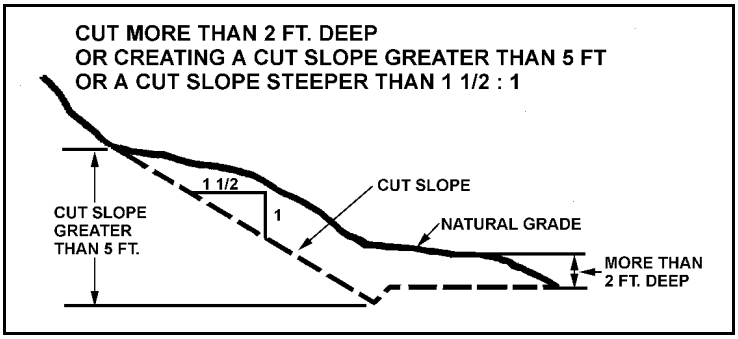


Figure 52-1

c. Where the grading is intended to support structures, the fill is more than one foot in depth and placed on natural terrain with a slope exceeding five horizontal to one vertical; OR

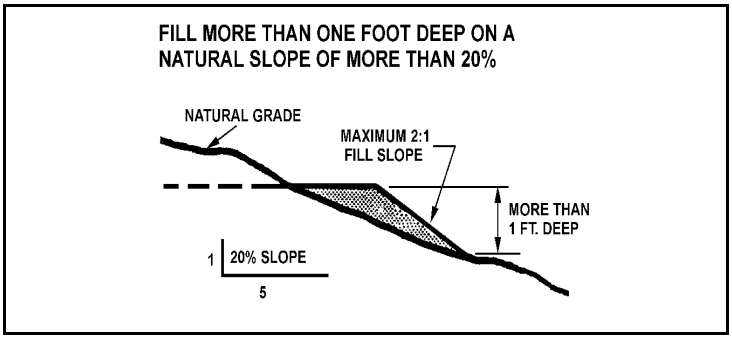


Figure 52-2

d. Where the grading is not intended to support structures, the fill is more than three feet in depth, and does not obstruct or alter a drainage course.

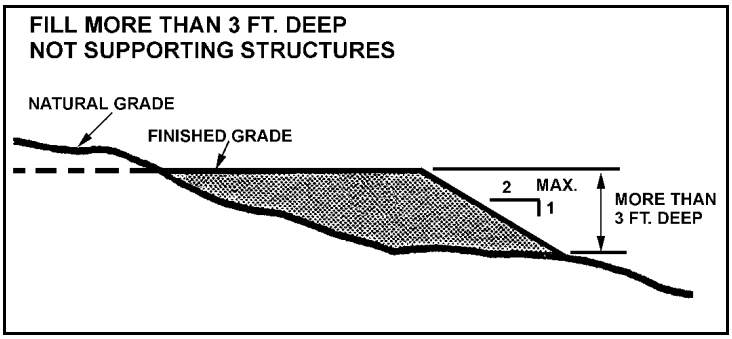


Figure 52-3

B. Timing of approval. A grading permit shall not be approved prior to the application for a building permit (if applicable), or prior to approval of a General Plan amendment, land use permit or land division if such approvals are necessary to completion of any project on the same site or prior to required approval of any state or federal agencies.

C. Alternatives or modifications to approved plans. The issuance of a permit in compliance with this Chapter shall constitute an authorization to do only the work that is described or illustrated by the grading plans and erosion control plans or specifications approved by the Director or drainage plans approved by the County Engineer. Any alternatives or modifications to approved plans shall be approved by the Director or, where applicable, the County Engineer.

D. Correction to hazardous condition. Whenever the director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the owner of the property, or other person or agent in control of the property, upon receipt of written notice from the Director, shall within the period specified therein, correct, repair or eliminate the condition and conform with the requirements of this Code.

E. Professionals qualified to prepare grading plans. Plans prepared for minor Grading Plans (as defined by Section 22.52.070.B) may be prepared by anyone who can accurately provide the necessary information for the application and Site Plan Review. This may include the applicant, a draftsperson, certified sedimentation and erosion control specialist or licensed individuals who are normally involved with a project such as a civil engineer, architect, landscape architect, or certified sediment and erosion control specialist. Should additional information be required due to unique physical characteristics of the site, this may require the information be prepared by the appropriate licensed professional.

Plans prepared for an Engineered Grading Plan (as defined by Section 22.52.070.C) may be prepared only by professionals licensed by the State of California to prepare grading and drainage plans. The assistance of other licensed professionals, and or a qualified individual approved by the County or those with specialized skills, is encouraged including landscape architects, soil engineers, geologists, engineering geologists, certified sediment erosion control specialists, botanists, biologists, and archaeologists.

F. Emergency work. Section 22.62.080 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued. Written notification and a description of the work shall be submitted to the Director as provided by Section 22.62.080. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

G. Request for relief from ordinance provisions and standards.

1. A request for relief from the provisions of this Chapter, grading permit conditions of approval, or plan specifications, may be approved, conditionally approved, or denied by the Director. A request for relief must state in writing the provision that is proposed to be varied, the proposed substitute provision, when it would apply, and its advantages. The following findings shall be required to approve or conditionally approve a request for relief:

   a. There are special individual circumstances or conditions affecting the property that make the strict letter of this ordinance impractical; and

   b. No relief shall be granted unless the relief requested, is consistent with the purpose and intent of this Chapter and does not diminish the health and safety benefits that would be obtained in the absence of a grant of relief.

2. The Director may require additional information from professional engineering, engineering geology or geotechnical engineering or erosion control specialists opinions which are necessary to evaluate the requested relief.

3. As contemplated in this Section, the Director may grant alternative methods of construction or modifications for projects which could be constructed under the basic standard established in this Chapter, but which if relief is granted, can be better or equal to and more economically designed and constructed than if relief were not given. Relief shall not be granted if it would have the effect of allowing the construction of a project which would not be possible under the provisions of this Code without the relief.

H. Professional education program. In the event that the County adopts a certification Program for grading contractors, where state law requires that earthwork, grading, excavation or fill be performed by a licensed contractor, that licensed contractor shall also be certified by the County. Certification requirements shall be as established by the Board, and may include, but not necessarily be limited to, satisfactory knowledge and understanding of the County Grading, Drainage and Erosion Control Ordinance, and/or familiarity with and continuing education in accepted grading, drainage, erosion and sedimentation control methods.

[22.05.024]

22.52.050 - Exemptions from Grading Permits

A. Minimum requirements to determine exempt status. The following considerations must be addressed in determining if grading activities qualify for an exemption under Subsections B. (Non-agricultural exemptions) or C. (Agricultural exemptions).

1. Grading activities are not exempt within a geologic study area as shown in the Land Use Element, except for agricultural grading as provided under Subsection C. and geotechnical/geologic exploration.

2. Grading activities shall receive any necessary approvals from other County, state or federal agencies, regardless of whether the activity is exempt under this Chapter.

B. Exempt grading - Non-agricultural. The following section applies to all grading that does not satisfy the description for agricultural grading in compliance with Subsection C.

1. Exemption from grading permit requirements. The following grading does not require a grading permit. Exempt grading activities must conform to the minimum standards identified in Subsection A.

a. Excavations or fills:

(1) The excavation of material below finished grade for tanks, vaults, basements, retaining walls, swimming pools or footings of a building or structure where such excavations are authorized and under the provisions of a valid Building Permit. This does not exempt any fill made with the material from the excavation.

(2) Cemetery graves.

(3) An excavation where the natural slope of the site is less than 20 percent and 1) less than two feet in depth, not exceeding 50 cubic yards of cumulative grading, or 2) does not create a cut slope greater than five feet in height, steeper than one and one-half horizontal to one vertical, not exceeding 50 cubic yards of cumulative grading (see Figure 52-4).

(4) A fill less than one foot in depth, intended to support structures or improvements, placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1). (See Figure 52-4.)

(5) A fill less than three feet in depth, NOT intended to support structures, and 1) placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1), 2) does not exceed 50 cubic yards on any one lot, and 3) does not obstruct a drainage course. (See Figure 52-4.)

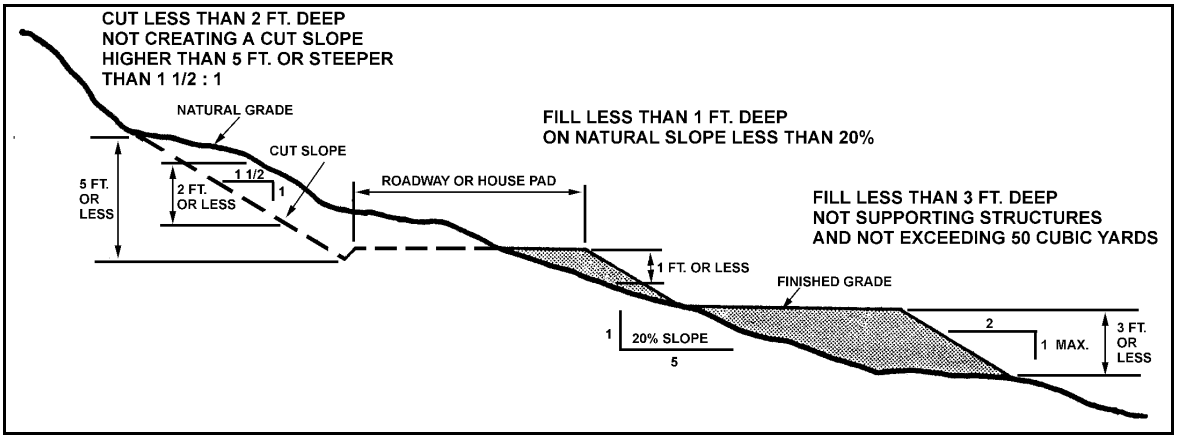


Figure 52-4

(6) Excavations or fills for construction associated with improvement plans for final subdivision maps or public projects conducted or approved by the County Public Works Department if consistent with the standards, guidelines and provisions identified in this Chapter.

(7) Excavation or fill within a property dedicated, used, or to be used for cemetery purposes, unless grading is intended to support structures or affects natural drainage patterns.

(8) Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.

(9) Public works projects constructed by the County or its contractors as provided by Section 22.01.060.

b. Exploratory excavations. Temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads), which meet all the following criteria:

(1) Affect or disturb areas less than 3,000 square feet in size;

(2) Do not involve more than a cumulative of 50 cubic yards of material;

(3) The natural slope of the site does not exceed 20 percent;

(4) Are under the direction and supervision of a soil engineer or engineering geologist or (where applicable) archaeologist;

(5) Does not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required.

(6) Holes or trenches are protected as required by occupational safety and health agency standards.

(7) Effective erosion control measures are utilized as set forth in Section 22.52.130d for all disturbed areas to be protected, restored and revegetation established before October 15 or within 45 days after the completion of work. This 45 days may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist in site revegetation.

c. Excavations for public utility connections.

(1) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads), which meet all the following criteria:

1. The natural slope of the excavated portion of the site does not exceed 20 percent; and

2. Does not involve removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species; and

3. Effective erosion control measures are utilized in compliance with Section 22.52.130.D to protect, restore and revegetate all disturbed area within 45 days after the completion of work or before October 15.

(2) Excavation and fill of trenches for utility lines not exceeding 24 inches wide or an average of five feet deep, or holes for utility poles or anchors and limited accessory grading.

(3) The initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material, effective erosion control and revegetation measures are utilized and the site restored.

d. Clearing of vegetation and fuelbreaks. Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by the County, state or federal statutes as rare, threatened or endangered) in compliance with CDF recommendations for fuel reduction for forestry or fire protection purposes. Tree removal is governed by Chapter 22.54.

e. **Routine maintenance.** Routine maintenance of existing, exempt or previously-permitted roads or man-made, engineered flood control channels and levees, and public utility lines as provided in Section 22.52.050.B.1.c where width, length, or design capacity is not increased.

f. **Water wells, tunnels, and water pipeline maintenance.** Excavations for wells, tunnels (except mining - see Chapter 22.36), and water pipeline maintenance (not to include grading for road work), disturbing an area which does not exceed an aggregate area of 1,000 square feet or exceed total grading (cut plus fill) of 50 cubic yards. Effective erosion control measures, revegetation, and site restoration are required.

g. **Miscellaneous.**

(1) Refuse disposal sites approved by the County Health Department under the authority of Government Code Sections 66770-66774.

(2) Surface mining operations approved in compliance with Chapter 22.36 (Surface Mining). However, for conversion of a commercial surface mine to site only use the mine is reclaimed according to the approved reclamation plan and will require a grading permit be obtained.

(3) Grading that is a soil, water, and/or wildlife conservation or enhancement project for which a State Fish and Game Alteration Agreement and/or Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service or the State of California, Department of Water Resources, Central Coast Regional Water Quality Control Board technical staff.

C. Exempt grading activities - Agricultural. The County recognizes the importance of agriculture, the need for protection and conservation of agricultural activities and the use, education, and development of safe and environmentally responsible grading, earthwork, and erosion control practices. Exempt grading activities shall conform to the minimum standards identified in Section 22.52.050.A.

1. Criteria for exemption. All agricultural grading shall meet the following standards:

a. All excavated material shall be placed on the same or contiguous parcels.

b. Agricultural grading shall employ sound agricultural management measures and practices such as those recognized by USDA Natural Resource Conservation Service (NRCS) or Cooperative Extension that will not adversely affect slope stability, or groundwater recharge and will prevent off-site drainage, erosion and sedimentation impacts.

c. Cut and fill slopes shall be successfully revegetated and maintained so that they complement continued, sound agricultural management practices such as those recognized by the USDA Natural Resource Conservation Service or the Cooperative Extension to encourage recharge and prevent erosion and sedimentation impacts.

2. Exempt agricultural activities. If the agricultural grading meets the minimum standards established in Subsection C.1, it may be determined to be exempt from a grading permit as follows:

a. Level One. These grading activities are exempt from the grading permit requirements of Section 22.52.040 or review by NRCS/RCD. Generally, these are on-going routine practices and maintenance activities related to agricultural uses. Appropriate management practices are encouraged to be incorporated in the design and construction such as those in the Field Operations Technical Guide (FOTG) for the USDA Natural Resource Conservation Service. *(The practices referenced in the identified activities are taken from the FOTG, a copy of which is available through the County Department and the Resource Conservation District).*

(1) Tillage activities. Tillage for the production of food and fiber, the growing of plants, and the raising and keeping of livestock

(2) Creation of new fields or range improvement. Agricultural grading to prepare new land for crop production on less than 30 percent slopes (includes Practices 202, 462, 464, 466 -- Field Operations Technical Guide) which employ sound management practices such as those recognized by USDA Natural Resource Conservation Service or University of California Cooperative Extension.

(3) Maintenance of drainage channels. Routine maintenance of existing agricultural drainage channels provided that there is compliance with all applicable provisions of the California Department of Fish and Game.

(4) Water pipelines. Installation and maintenance of water pipelines to service agricultural fields or livestock. These should be installed under proper practices recognized by the Natural Resources Conservation Service and the University of California Cooperative Extension Service.

(5) Water wells, tunnels, and water pipeline maintenance. Excavations for wells, tunnels (except mining -- see Section 22.08.190 et seq), and water pipeline maintenance (not to include grading for road work), that permanently disturb an area which does not exceed an aggregate area of 22.52.1000 square feet or exceed total grading (cut plus fill) of 50 cubic yards). Effective erosion control measures, revegetation, and site restoration are required.

(6) **Maintenance of existing roads**. Routine maintenance of agricultural roads provided the maintenance does not increase the width of the road, is consistent with 22.52.050.C.2.b.(3), and the widening does not exceed the grading criteria as specified in Section 22.52.040.A.

(7) **Irrigation pit.** A small storage reservoir constructed to regulate or store a supply of water for irrigation and frost protection. (Practice 552A)

b. **Level Two.** These grading activities are exempt from the grading permit requirements of Section 22.52.040 or the Resource Conservation District review required under Level Three when they incorporate and maintain specified applicable management practices as provided in the NRCS Field Operations Technical Guide.

(1) **Hillside improvements.** Creation of hillside improvements on slopes less than 30 percent slopes including related drainage improvements, and trail and pathways serving the practice (includes practices 192, 423, 568, 575, and 600).

(2) **Drainage and irrigation.** Drainage and irrigation improvements related to improvements for crop production or range improvements. (Includes practices 335, 350, 356, 362, 412, 423, 447, 468, 554, 572, 587, 587A, 620, 638, 640).

(3) **Agricultural roads.** Those portions of new access roads located on slopes with a natural grade less than 30 percent and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities. Development of the road shall address soil stability, soil permeability, soil fertility for revegetation of side slopes. Exempt roads must be located within an Agriculture or Rural Lands land use category and outside of an urban or village reserve line, **or** within a Residential Rural land use category where the road is to serve an existing producing agricultural operation as determined by the Agricultural Commissioner's office (this determination may include documentation of the nature and extent of the agricultural use of the property that justifies the need for the road) **and** meet ***all*** the following criteria:

(a) Are solely for providing access to water supplies, outdoor equipment or supply storage areas, livestock grazing areas, producing fields, vineyards, or orchards, fire protection, or maintaining fence lines.

(b) Are providing access to **only** agricultural exempt buildings or structures. (Note: Agricultural roads providing access to residences or agricultural buildings or structures that require a construction permit [excluding sub-permits for electrical, plumbing, etc] are required to have a grading permit unless they do not exceed the criteria for grading as specified in Section 22.52.050.A. A grading permit **may** be required for the agriculturally exempt road in the future if it serves a structure that requires a construction permit. Further, the road may be required to meet all current standards.)

(c) Are located on natural slopes less than 30 percent as measured on the area being disturbed. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the slope is greater than 30 percent.

(d) Do not create a cut or fill greater than three feet in height visible from a public road.

(e) Do not create a roadway more than 16 feet in width.

(f) Are located more than 50 feet from the top of the bank of any blue line stream shown on the latest USGS 7-1/2 minute topographic quadrangle. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the grading is located within 50 from the top of the bank. All work must be in compliance with applicable provisions of the Department of Fish and Game.

(g) Have properly designed and placed culverts, water bars or other erosion control features such as those recognized by the USDA Natural Resource Conservation Service, U.S. Forest Service, and Cooperative Extension Service. Cut and fill slopes can be successfully revegetated and maintained so that they complement continued sound management practices. Vegetation buffer strips are maintained where present between the road and streams to trap sediment before it reaches the stream.

(h) Are sloped outward or inward at a minimum of two percent;

(i) Do not divert drainage onto adjacent properties.

(j) Do not discharge or threaten to discharge silt on adjacent properties, roads, sensitive resource areas, or into streams as shown on the latest USGS 7-1/2 minute topographic quadrangle.

(k) New roads that are constructed between April 15 and October 15th; unless temporary erosion control measures are in place and the reseeding is assured to occur in the appropriate months for germination as approved by a soil erosion specialist.

(4) **Streambank protection measures.** Streambank protection measures when using NRCS Practices and with appropriate Fish and Game licenses, Regional Water Quality Control permits, and Army Corp permits as required. (Includes practices 195, 204, 582, 584).

(5) **Trail and recreation enhancements.** Agricultural production support activities for trail and recreation enhancements of property. (Includes practices 566, 568).

(6) **Firebreaks.** Firebreaks where a strip of bare land or vegetation is designed to retard fire. (Practice 394).

(7) **Soil, water, or wildlife conservation project.** Grading that is a soil, water, and/or wildlife conservation/enhancement project for which a State Department of Fish and Game Alteration Agreement and/or an Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service, or the California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board technical staff.

Note: *While the above activities are exempt grading for the purposes of this County's ordinance, you may need to contact the Department of Fish and Game, Regional Water Quality Control Board, Army Corps., U.S. Fish and Wildlife Service, or the California Department of Forestry to ensure the activities comply with their permit or license requirements.*

State law requires stopping work and notifying the County Coroner in the event human remains are discovered. It is recommended that earth disturbing activities be avoided in areas of known or suspected burials or archaeological resources.

c. **Level Three**. The following activities require a grading permit in compliance with section 22.52.040 unless the applicant elects to use alternative review, inspection, and sign-off through the Resource Conservation District (RCD**)** to ensure that appropriate management techniques are incorporated in the project design and construction.

For any Level Three agricultural grading the applicant may request that an alternative review procedure be used in lieu of the grading permit requirements of Section 22.52.070 et seq. The alternative review procedure allows grading to be approved, inspected, and signed-off through the Resource Conservation District (RCD) rather than through a grading permit reviewed by the Department of Planning and Building where it has been determined that the proposed agricultural grading is

necessary and appropriate to support a recognized agricultural enterprise for the site and incorporates "best management practices".

(1) Applicants electing the alternative review procedure shall submit a summary of the agricultural activity proposed and the manner in which it is to be accomplished for review by the Agricultural Commissioner's Office after consultation with the Resource Conservation District. The submittal shall meet all requirements of the Agricultural Commissioner's Office and Resource Conservation District (RCD) including:

(a) Applicant name, address, telephone numbers and agent information where applicable.

(b) Site description and location information, physical address or description of the site location or vicinity map.

(c) Historical and current agricultural use of the site.

(d) Project description that includes an explanation of the need or purpose of the grading including how the grading benefits the overall agricultural operation and a site map that characterizes the need or purpose of the grading.

(2) Activities that are determined to be inappropriate for the site or unnecessary for recognized legitimate agricultural purposes require a grading permit and environmental review where appropriate.

(3) Level III agricultural grading includes:

(a) Proposed stock ponds and irrigation and frost protection ponds, that are in areas where the USGS map does not designate the site as a lake, marsh, perennial or intermittent "blue line" stream. (Including offstream practices 349, 378, 397, 400, 402, 404, 436, 552B). *This type of grading may require review by the Division of Water Rights and the Department of Fish and Game.*

(b) Those portions of new access roads located on slopes with a natural grade over 30 percent developed and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities **or** when the proposed roads do not meet **all** the criteria in Level 2.

(c) Hillside benches for orchards and vineyards on slopes over 30 percent. (Practices 192).

(d) Major streambank/shoreline protection structures and runoff management systems. (Includes practices 570, 204, 580). *This will require appropriate review by the Department of Fish and Game and the Army Corp of Engineers.*

(e) Waste management system improvements. (Including practices 313, 313B, 359). *This may require review by the Regional Water Quality Control Board, Air Pollution Control District, and Environmental Health.*

d. Level Four - Grading Permit required from Department of Planning and Building. The following agricultural and associated grading requires the issuance of a grading permit in compliance with Sections 22.52.070 et seq.

(1) Grading for structures. Any excavation or fill to support a structure, (including agriculturally exempt buildings or structures, residential uses, etc.).

(2) Driveways. An access driveway from an existing road to a structure which requires a County construction permit (excluding sub-permits for electrical, plumbing, water wells, etc.)

(3) Nursery specialty projects. Grading for areas which are to be used for nursery specialties that involve the use of a structure, or buildings for which a County construction permit may otherwise be required. Provided that grading to create areas for field grown crops shall be exempt as provided by Subsection C.2.a. (Exempt agricultural activities).

(4) Equestrian facilities. Grading for horse training, boarding or breeding facilities, horse tracks or arenas, or polo fields. This Section applies only to these activities as they are defined as "Specialized Animal Facilities" and "Sports Assembly" in Article 8.

(5) Instream dams and reservoirs. This includes stock ponds, irrigation and frost protection ponds unless exempted by Section 22.52.070.C.1. (This shall not include those exempt soil, water or wildlife conservation projects as provided in Level II or offstream exemptions as provided in Level III).

(6) Source material for improvements. Grading to obtain source material for improvements on site, which are not covered under the provisions of the Surface Mining and Reclamation Act (SMARA). *[22.05.026]*

22.52.060 - Fees

Fees for grading permits and grading, drainage, and erosion control plan checking shall be as set forth in the fee ordinance adopted by the Board. In compliance with the adopted fee schedule, the Director may require payment of actual recorded costs, plus overhead, for those applications which will exceed County fees for processing, plan checking, administration, and/or inspection. *[22.05.028]*

22.52.070 - Grading Permit Requirements

A. Grading Plan content. To apply for a grading permit, a grading permit application be submitted, together with the additional information required by this Section. Where grading that requires a permit is proposed in conjunction with a Site Plan Review, Minor Use Permit, or Conditional Use Permit request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted. This Section modifies Section 3309 of the Uniform Building Code.

A grading permit application include a grading plan which includes the information specified by this Section. A grading plan be legible and accurately drawn to scale using standard drafting techniques. Plans 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 Chapter and all relevant codes and regulations. Plans shall include, but not be limited to, the following information unless waived by the Director:

1. The name, address, and phone number of the owner and the person by whom the plans were prepared.

2. A description of the land upon which the work is to be performed, including Assessor's Parcel Number, street address, tract, block, and lot number.

3. An accurate location map showing the project in relation to the area or surrounding community.

4. An accurate map showing limits of grading activities.

5. Existing or natural ground contours, and proposed ground contours at maximum two foot intervals for area to be graded and five foot intervals for remainder of site. On rural parcels exceeding 50 acres, existing and proposed contours shall be shown at two foot intervals for area to be graded, and the remainder of site at 20 foot intervals. The latest USGS topographic maps may be used as a source of information for the 20 foot intervals.

6. The location of all existing and proposed surface and subsurface drainageways and drainage systems on the site and adjacent property which may affect or be affected by the proposed project.

7. Elevations of the edge of pavement or road at driveway entrance.

8. Elevation of the finish floor of the garage or other parking areas and ground and finish floor elevations at the base of building or structure corners.

9. The location of all existing and proposed buildings, structures, easements, groundwater recharge areas, wells or sewage disposal systems on site, and the approximate location of these items on adjacent property that are within 100 feet of the property boundary or which may affect or be affected by the proposed project. Show spot elevations at corners of existing and proposed buildings or structures and lots where proposed grading will occur.

10. Any required retaining walls or other means of retaining cuts or fills.

11. An estimate of the volume of earth to be moved, expressed in cubic yards. This may require calculations to support the estimate if determined to be necessary. Specify amounts of cut and fill. Identify location of site(s) to receive fill, showing area and depth of fill. If excavated materials are exported provide statement of method of disposal and proposed location(s).

12. Location, description, type or topographic description of existing rock outcropping, natural feature, vegetation, wooded area or trees six inches or greater in diameter measured 4.5 feet above ground level proposed for disturbance and/or removal. Botanical, archaeological, or biological surveys prepared by a qualified individual may be required if warranted. Show centerline of streams and flood plain lines, if applicable. Clearly identify on the plan the boundary and general characteristics of areas within which no disturbance will occur.

13. An estimate of the maximum and minimum vertical depth of cuts and fills, expressed in feet and cut and fill slope ratios.

14. An estimate of the total area of site disturbance, expressed in square feet or equivalent metric measurement. This total shall include all vegetation removal in addition to soil disturbance.

15. An estimate of total area in square feet or equivalent metric measurement of natural vegetation to be removed.

16. Other additional plans, drawings, calculations, or information deemed necessary by the Director to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms with the requirements of this Chapter and other applicable provisions of this Code.

B. Minor Grading Plan requirements. Where Section 22.52.050.A requires a grading permit and the grading will involve less than 5,000 cubic yards; is located on slopes less than 20 percent; is not located within a Geologic Study Area or Flood Hazard combining designation, and is not located on soils identified on public soils surveys as being prone to slides or slippage, the application for a grading permit include the following, unless waived by the Director:

1. All items required by Section 22.52.070.A for a grading plan.

2. Photograph(s) (attached to plans) which clearly show area to be disturbed and characteristics of site.

3. A copy of a soils map and soils descriptions covering the project site and adjacent properties (available for free through the USDA Natural Resource Conservation Service, Upper Salinas - Las Tablas and Coastal San Luis Resource Conservation Districts).

4. Clearly shown groundwater recharge methods that have been incorporated into the project design.

5. Proposed sequence and construction schedule of excavation, filling, stockpiling and other land disturbing activities.

6. A statement as to the specific intentions or ultimate purpose for which the grading is being performed.

7. A drainage plan if required by Section 22.52.080.

8. An erosion and Sedimentation Control Plan (Section 22.52.090), including protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. (This information shall be submitted in the form of a sedimentation and erosion control plan in compliance with Section 22.52.110, when required by that Section.)

9. When required by the Director, each application for a grading permit shall be accompanied by two sets of supporting data consisting of a civil engineering report, soil engineering report, engineering geology report, erosion and sedimentation control report, and/or any other reports necessary. In many instances this information may be shown on the face of the plan.

   Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports that are approved by the Director shall be incorporated into the grading plan. (See Section 22.52.070.C, Engineered Grading Requirements.)

10. A work schedule. Prior to final permit issuance, submit the following information:

    a. Proposed grading schedule or construction sequence.

    b. Proposed sequence of all erosion and sediment control methods, practices, and devices, and methods of cleaning and disposing of accumulated sediment collected by temporary and permanent sediment control devices.

    c. Amount of time needed to complete grading activities, and the number and types of earth moving equipment to be used.

    d. Testing, schedule for compacted fills.

11. Other required information.

    a. A notation stating the amount and location of any material to be deposited in areas other than those shown on the plan.

    b. Proposed source(s) and amount of material to be used for fill from areas other than those shown on the plans. If the source changes due to other materials becoming available, this information shall be provided to the Department of Planning and Building as known.

    c. Proposed routes for hauling material, hours of work, and methods of controlling dust.

    When the Director has cause to believe that geologic hazards may be involved, minor grading shall be required to conform to engineered grading requirements.

C. Engineered Grading Plan requirements. If proposed grading will involve 5,000 cubic yards or more, is located on slopes of 20 percent or greater, or is located within a Geologic Study Area or Flood Hazard area, the grading plan be prepared and signed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include specifications covering construction, inspection and material requirements in addition to the information required for minor grading (Section 22.52.070b).

The following reports shall be required:

1. Site and drainage report. The site and drainage report, shall include, but not be limited to:

    a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

b. Hydrology calculations showing maximum peak discharges of water runoff for10-year and 100-year storm frequencies and comparison of runoff with and without project. Hydraulic calculations for existing down stream runoff conveyance systems that will be impacted by the proposed project runoff.

c. Summary of the groundwater recharge methods that have been incorporated into the project design.

d. Inspection and approval to establish lines and grades, design criteria for corrective measures, including the required safe storm drainage capacity of channels both on- and off-site; and

e. Soils, geology, or civil engineer's opinions and recommendations concerning adequacy of site to be developed by the proposed grading.

f. Sequence and type of recommended inspections.

2. Geotechnical report. The Geotechnical Report, shall contain, but need not be limited to, all the following information:

a. The date the report was prepared and the name, address and phone number of firm or individual who prepared the report.

b. Data regarding the nature, distribution, and strength of existing soils.

c. Data regarding the nature, distribution, and strength of soil to be placed on the site, if any.

d. Conclusions and recommendations for grading procedures.

e. Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction is completed.

f. Design criteria for corrective measures including buttress fills, when necessary.

g. Identify existing cuts and fills on site, recommended measures for compaction, slope stability and other factors affecting suitability for support of a structure.

h. Engineer's opinions and recommendations concerning adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

i. Sequence and type of recommended inspections.

3. **Engineering geology report.** The engineering geology report, shall contain, but need not be limited to, the following information:

   a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

   b. An adequate description of the geology of the site.

   c. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

   d. An opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.

   e. Need for underground drainage devices or opportunities for underground recharge devices.

   f. Sequence and type of recommended inspections.

   g. If the proposed grading is for a habitable structure, and the geologist has identified evidence of recent fault ruptures occurring near the proposed structure, additional geological information will be necessary. The guidelines suggested in the California Division of Mines and Geology Notes #49 or subsequent additions shall be used to prepare this supplemental report.

[22.05.030]

22.52.080 - Drainage Plan Required

A. Requirement criteria. The requirements of this Section apply to all projects and activities required to have land use permit approval. Drainage plans are reviewed and approved by the County Engineer. Drainage plans are to be submitted with or be made part of the Zoning Clearance, Minor Use Permit, Site Plan Review, Conditional Use Permit or grading permit application for a project that:

1. Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or

2. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or

3. Will result in an impervious surface of more than 20,000 square feet; or

4. Is subject to local ponding due to soil or topographic conditions; or

5. Is located in an area identified by the County Engineer or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or

6. Is located within a Flood Hazard (FH) combining designation; or

7. Is located over a known high recharge area identified by the County Engineer; or

8. Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse shown with a blue line on the most current USGS 7½ minute quadrangle map; or

9. Involves hillside development on slopes steeper than 10 percent; or

B. Drainage plan content. Drainage plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. The County Engineer may require drainage plans to be prepared by a registered civil engineer.

1. Basic drainage plan contents. Except where an engineered drainage plan is required, a drainage plan include the following information about the site:

a. Flow lines of surface and subsurface waters onto and off the site.

b. Existing and finished contours at two-foot intervals or other topographic information required by the County Engineer.

c. Building pad, finished floor and street elevations, existing and proposed.

d. Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private sewage disposal systems must be shown. Include 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 hydraulic calculations showing the facilities flow carrying capacities and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins.

e. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

f. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

g. Proposed flood-proofing measures where determined to be necessary by the County Engineer.

2. Engineered plan content. Engineered drainage plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection B.1.

[22.05.032]

22.52.090 - Erosion and Sedimentation Control Plan Required

A. Requirements. An erosion and sedimentation control plan shall be required as part of the grading permit application except when all of the following site characteristics exist:

1. Site has a maximum slope less than 10 percent in the area to be graded;

2. Site is not located within geologically unstable areas;

3. Site is located on soils rated as having a low erosion hazard by the USDA Soil Conservation Service (unless area building inspector is aware of the potential for erosion problems in the area).

4. Site is located more than 300 feet from the top bank of any blue line water course or water feature shown on the most current 7 ½ minute USGS quadrangle map.

5. The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainageway, watercourse, or onto adjacent properties by rainfall or runoff.

6. All grading and site disturbance activities will: 1) occur after April 15 and before October 15 and 2) will create minimal site disturbance from combined activities.

B. Erosion and sediment control plan content. An erosion and sediment control plan shall address both TEMPORARY and FINAL measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year. Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resource Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation.

The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of this Chapter. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall contain, but need not be limited to, all the following information unless some of the information is waived by the Director as not needed for the review of a particular site and its characteristics:

1. Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.

2. Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)

3. Proposed methods and a description of the practices to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.

4. Proposed temporary and final methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.

5. When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall a) grow reasonably quick; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and statewide importance (as identified by the Agricultural Commissioner's Office). Larger areas to be reseeded should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.

6. Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized measures, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

7. Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. Erosion control methods may include a combination of approved mechanical or vegetative measures, including those described in USDA Soil Conservation Service Bulletin 347 - Controlling Erosion on Construction Sites or the Drainage Improvement Guide for Unpaved Roads.

8. The type, location, and extent of pre-existing and undisturbed vegetation on the site.

9. An estimate of the cost of implementing and maintaining all erosion and sediment control practices where bonds or other financial assurances are proposed or required.

10. A statement by the individual preparing the plan that the plan represents the minimum site disturbance necessary to achieve erosion and sediment control.

11. Descriptions of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.

12. Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they conform with the requirements of this Chapter.

C. Regional Water Quality Control Board review. For projects that disturb greater than five acres of land, the Erosion Control Plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General Permits for Construction Activity administered by the State Water Resources Control Board and the Regional Water Quality Control Board.

D. Field and weather conditions. If field or weather conditions warrant, the Director may require erosion and sedimentation control if not originally required or modification of the erosion and sedimentation control methods, procedures, or devices after grading activities commence.

22.52.100 - Groundwater Recharge

A. Requirements. Groundwater recharge elements must be included in the project design to mitigate the impacts on recharge caused by the reduction in the permeability of soil areas on the site except when the following site characteristics exist: .

1. High groundwater in the area limits the effectiveness of recharge efforts or enhancing groundwater recharge would create additional problems related to high groundwater.

2. The entire site being developed is shown to contain impervious soils that would not benefit from recharge efforts.

3. There is a known geologic instability that would be negatively impacted by increased groundwater recharge.

4. It can be demonstrated that no additional runoff will occur from the development.

5. Federal or state regulations prohibit recharge.

B. Groundwater recharge. All areas on the project site that will become impervious or will have their soil permeability impaired (such as compacting soil under an all weather driveway) must be mitigated to the maximum extent practicable with recharge enhancement elsewhere on the parcel. Offsite mitigation is a secondary alternative.

The Design Elements for Enhancing Groundwater Recharge handout available from the Department of Planning and Building has numerous ideas and design elements that can be incorporated into the project. This is not a complete list; developers are encouraged to incorporate other ideas that will retain water in a manner that encourages soil contact and percolation. The project plans should clearly indicated the capacity of each recharge area.

[22.05.034]

22.52.110 - Review, Approval and Permits

A. Environmental review.

1. **Environmental determination.** As required by Title 14 of the California Administrative Code, all grading permit applications are to be reviewed by the Environmental Coordinator for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This Section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304 or 15061(b)(3) of the State CEQA Guidelines. Exempt applications are those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earth moving, are not located within a Sensitive Resource Area combining designation, and are consistent with criteria for approval in Subsection B.1.

   In any case where a drainage plan is required by Section 22.52.080 and an environmental determination is not otherwise required by Section 22.62.060 (Conditional Use Permit), Chapter 22.14 (Combining Designations), or Section 22.52.050 (Exemptions from Grading Permits), the project application shall be subject to an environmental determination in compliance with Section 22.62.060.B.1 before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA.

   Unless exempt, no action shall be taken to approve, conditionally approve, or deny a grading permit or drainage plan until it is.

   a. Accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

b. Accompanied by a duly issued and effective negative declaration; or

c. Accompanied by a certified environmental impact report.

2. EIR required. Where an environmental impact report (EIR) is required in compliance with CEQA and;

a. If a Conditional Use Permit is not required by other provisions of the title, a grading permit application shall be processed, reviewed, and approved according to all the provisions of Section 22.62.060 (Conditional Use Permit), and the criteria of Subsection B.1 (Criteria for Approval); or

b. If the Conditional Use Permit is required by other provisions of this Title, a grading permit application shall be processed, reviewed, and approved according to the provisions of this Section, including a requirement that the grading permit application shall be consistent with and satisfy all condition of approval of the Conditional Use Permit.

3. EIR not required. Where a grading permit is determined to be exempt from the provisions of CEQA or has been granted a proposed negative declaration, the Review Authority may approve the environmental determination and the permit where the proposed grading is in conformity with applicable provisions of this Title, provided.

a. The Director may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not addressed at the time the permit was issued.

b. Where a proposed negative declaration for a grading permit has been issued upon an agreement by the applicant to incorporate mitigation measures into the project that are necessary to reduce its environmental impacts, such mitigation measures shall be added and shown on the grading plans prior to permit issuance, and their completion and inspection shall be required prior to final inspection approval.

c. The comment period for the negative declaration has expired and no comments have been submitted.

d. The grading permit received an exemption under CEQA.

B. Approvals.

1. Criteria for approval.

a. Grading plan. A grading permit may be issued where the Director first finds, where applicable, that.

(1) Proposed grading is consistent with erosion control plan requirements (Section 22.52.090) and applicable standards (Section 22.52.130.D);

(2) The proposed grading design is consistent with the characteristics and constraints of the site;

(3) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;

(4) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;

(5) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;

(6) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized.

(7) Unless overriding findings have been made, the proposed grading will not create substantial adverse long-term visual effects.

(8) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit and that adequate sewage disposal and water supplies are available.

b. Drainage plan. All drainage plans shall be submitted to the County Engineer for review, and are subject to the approval of the County Engineer, prior to issuance of a land use, grading or construction permit, as applicable.

(1) Appeal. Actions of the County Engineer on drainage plans may be appealed to the Board in compliance with the procedure set forth in Section 22.70.050; except that where the site is within a Flood Hazard combining designation, the procedure described in Section 22.14.060.D.4 shall be used.

(2) Plan check, inspection and completion. Where required by the County Engineer, a plan check and inspection agreement be entered into and the drainage facilities inspected and approved before final project approval is issued.

2. Optional conditions of approval. The Director may refer application materials to appropriate agencies for review and comment prior to grading permit approval. In granting any permit in compliance with this Chapter, the Director may impose conditions as reasonably necessary to prevent adverse environmental impacts, nuisances, or unreasonable hazards to persons, public or private property, sensitive resources, existing vegetation ,or cultural resources. The Director may modify or add conditions to any valid permit granted in compliance with this Chapter when the Director finds that the

modification or addition is reasonable and necessary to prevent creation of a nuisance, hazardous condition, or unreasonable hazard to persons, private property, sensitive resources, existing vegetation or cultural resources. Conditions may include, but are not limited to:

a. Improvement of any existing grading to bring it up to the standards required by this Chapter for new grading.

b. Requirements for fencing of excavations or fills which would otherwise be hazardous.

c. Adequate dust control measures by watering or other acceptable methods recommended by the Air Pollution Control District and approved by the Director.

d. An approved operational plan for creating, using and restoring a borrow area or pit.

e. Compliance with the purpose and intent of these grading, drainage, erosion and sedimentation control regulations (Section 22.52.020) or the grading, drainage, erosion and sedimentation control standards of Section 22.52.130.

f. Requirements for fencing or other protective measures around cultural resources, native trees, riparian or wetland vegetation, or other sensitive resources identified for protection.

g. Mitigation measures identified in the project's negative declaration, developer's agreement, or environmental impact report.

h. Haul routes for materials and hours of operation.

i. Requirements necessary to implement the recommendations identified in the project's civil engineering report, soils engineering report, engineering geology report, or erosion and sedimentation control plan.

j. Transfer of responsibility agreement if original civil engineer, soils engineer, engineering geologist, erosion control specialist, or grading contractor is replaced.

k. Additional groundwater recharge measures if the project site is known as a valuable groundwater recharge area.

3. **Security.** The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the Uniform Building Code and Section 22.64.040, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural condition. The Director may also identify minor grading permits that require such security to ensure that environmental impacts are mitigated.

a. A performance agreement and security posted with the County may be required if, in the Director's opinion, site characteristics including slope, proximity to waterways or neighboring structures, or sensitive resources, or the nature of work to be performed warrant a guarantee.

b. The guarantee of performance shall be on one hundred percent, (plus 20 percent for contingencies, engineering and inspection) of the full amount required to assure completion, restoration and/or remediation, based upon estimates approved by the Director and a must provide a right of entry from the property owner.

c. Every guarantee of performance shall be made on the conditions that the permit holder shall.

(1) Comply with all the provisions of this Code, applicable laws and ordinances.

(2) Comply with all of the terms and conditions of the grading permit.

(3) Complete all grading, drainage and erosion control work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this Chapter. The Director may, for sufficient cause, extend the time specified in the permit, but no extension shall release the owner or the surety on the bond or person issuing the instrument of credit.

d. Each guarantee of performance shall remain in effect until the completion of the work as specified according to the plans, specifications, and terms and conditions of the grading permit to the satisfaction of the Director.

e. In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the Director may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous conditions and leave the site in a safe condition. The Director may order the work authorized by the permit to be completed to a safe and stable condition to the Director's satisfaction, or may order restoration of the site to pre-graded or natural condition, or such condition deemed appropriate by the Director. The permit holder and/or the surety executing the performance agreement shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

f. The guarantee of performance, less costs of remedial work, if any, shall be released when the Director determines that the erosion, sediment control, and revegetation practices have adequately stabilized the site.

g. The grading permit may provide for the partial release of the bond or other security required by this Section upon the partial acceptance of the work in compliance with Section 22.52.110.C.5 (Notification of Completion).

h. Any contractor or other person engaged in continuous or repeated excavations or, in the case of a construction permit, concurrent with that permit, may provide a blanket security or blanket deposit in the amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Director may require additional security or deposit to insure completion of all work being done at any one time.

4. Restriction on grading approvals. If grading is for the creation of, or access to, a building site, land disturbance shall not take place until a building permit has been accepted for processing. If grading is for a proposed project which requires discretionary approval, grading shall not take place until approval(s) are received and required appeal periods expire. If plan approval cannot be issued until determination of adequate water and/or sewage disposal or other required site investigation is made, land disturbance shall be limited to the extent necessary to allow such an investigation. Erosion control measures and/or site restoration shall be required after site investigations are completed. This provision shall not apply to subdivision improvements or road construction required as a condition of approval of a land division.

C. Permits.

1. Permit application procedure. An application for grading permit consists of written and graphic information in compliance with Section 22.52.070.A (Grading Plan Content). Not all applications require the same level of information. In some situations, additional information may be required after initial review based upon the nature, degree, or location of proposed work.

2. Permit time limits.

a. Commencement of grading. An approved grading permit is valid for a period of one year from the effective date of the permit, after which the permit shall expire unless.

(1) Grading has begun; or

(2) An extension has been granted as set forth in this Section.

b. **Completion of grading.** Grading operations shall be completed consistent with the time of year limitation listed in Section 22.52.090.A.6, and within 180 days from the date of commencement of grading unless an extension has been granted, or the initial approval specifies a longer term for completion. If the grading operations are not completed within 180 days from the date of commencement of grading, the permit shall expire unless an extension has been granted. Grading authorized by a permit that expires in compliance with this paragraph shall constitute a nuisance and shall be subject to abatement in compliance with Chapter 22.74 unless a new permit is obtained in compliance with Section 19.04.034c, and work is completed.

c. **Extension of grading permit.** Any permit holder with an unexpired grading permit may apply for an extension of the time within which grading operations are to be begun or completed. The Director may extend the expiration date of the permit for a period not exceeding 180 days, where the permit holder has requested such extension in writing and has shown that circumstances beyond the control of the permit holder have prevented commencement or completion of grading. The Director may extend the permit for additional periods of 180 days after a site investigation confirms that grading activities and site conditions conform to the provisions of this Title, and where proper completion of grading, temporary and final sedimentation and erosion control measures (Section 22.52.090) in compliance with the provisions of this Title have been assured through a bond or other guarantee of performance (Section 22.64.040).

3. Revocation of permits.

a. Failure to comply with any provision of this Chapter or the permit may cause revocation or suspension of the permit, and in either case, the owner or permit holder shall be notified in writing of this action and the reasons for the action.

b. If the operations of the permit holder create an unreasonable occurrence of dust, noise, excessive traffic or other nuisances, the Director may require the permit holder to take measures to abate the nuisance and may suspend the permit until abatement measures are taken. Continuance of work without abating the nuisance shall be reason to revoke the permit.

4. Denial of permits - Restoration.

a. If grading operations are commenced before first securing a proper permit, no permit will be issued until all illegal grading has been stopped, except to restore the site to its original condition or to correct hazardous conditions to the satisfaction of the Director, and all violation fines levied as misdemeanors or civil penalties are paid in full. The Director may require approval and implementation of an erosion and sedimentation control plan in the interim if weather or site conditions warrant such action. In the event that no grading permit, erosion control permit, or land use permit can be issued for such operations, the site shall be restored to an acceptable condition as determined by the Director.

b. If restoration is required of a site by the Director, restoration plans, prepared by a certified Sediment and Erosion Control Specialist or by other additional qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the fee that would be charged for a grading permit fee for the same work. Restoration shall be made in conformity with the approved plans.

5. **Notification of completion.** The permit holder shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage and recharge facilities and their protective devices, and all erosion and sediment control measures have been completed in compliance with the final approved plans, and the required reports have been submitted and approved by the Director.

[22.05.036]

22.52.120 - Construction and Inspections

A. Construction procedures.

1. **Preconstruction meeting.** Due to characteristics of the site, nature of proposed work or required mitigation measures, the Director may require a meeting prior to any site disturbance or grading activities involving any of the following. applicant, grading contractor, engineer or other professional consultant, grading inspector or other employees of the Department of Planning and Building.

2. **Modifications to approved plans.** No work based upon any modifications to the approved plans shall proceed unless and until such modifications have been approved by the Director, and where applicable, the County Public Works Department. The proposed change shall not result in greater environmental impacts not considered in the approved environmental document. Change orders must be reviewed expeditiously to allow the job to be able to proceed.

3. **Exposure of work.** Whenever any work for which inspections are required is covered or concealed by other work without having been inspected, the Director may require that such work be exposed for examination.

4. **Grading hours - Limitations.** No grading work (except for agricultural exemptions and emergency operations specified in Section 22.52.050), which requires a grading permit under the provisions of this Chapter shall take place between the hours of 7:00 p.m. and 7:00 a.m. weekdays and between the hours of 5:00 p.m. and 8:00 a.m. on the weekends, unless the Director or approved conditions of a land use permit finds that such operation is not likely to cause a significant public nuisance and authorizes expanded or night operations in writing. Hours of operation on the weekends may be further regulated by conditions of the grading permit.

5. **Dust debris - Control.** All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in conformance with the requirements of the San Luis Obispo County Air Pollution Control District to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times. (See Mitigation Guidelines for Air Quality Impacts from construction prepared by APCD.)

6. **Responsibility of permit holder.**

   a. The permit holder and agents shall carry out the proposed grading in compliance with the approved plans and specifications, conditions of the permit and the requirements of this Chapter and conditions and permits as required by the Director.

   b. The permit holder and agents shall maintain all required protective devices, sedimentation and erosion control devices, and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working hours, dust controls and methods of hauling. The permit holder and agents shall be responsible for maintenance of the site until final inspection. The permit holder or agents shall become subject to the penalties set forth herein in the event of failure to comply with this Chapter and other applicable laws of the County. No approval shall exonerate the permit holder or agents from the responsibility of complying with the provisions and intent of this Chapter.

   c. During grading operations the permit holder shall be responsible for the prevention of damage to any roadways, public improvements, utilities or services. This responsibility applies within the limits of grading and along any equipment travel routes.

   d. Notwithstanding the minimum standards set forth in this Chapter and Uniform Building Code Chapters 29 and 70, the permit holder is responsible for the prevention of damage to adjacent property and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, trees, vegetation, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

B. Inspections.

1. **Specific inspections.** Not all grading projects require the same type or frequency of inspections by the Department of Planning and Building. One or more of the following inspections will be required, based upon characteristics of the site and nature of work proposed.

a. **Initial site inspection**. Prior to permit approval and plan checking.

b. **Initial inspection**. After permit issued, but before any site disturbance, grading, demolition, grubbing, brushing, or clearing is started. Erosion and sedimentation control measures must be in place if required.

c. **Toe inspection**. After the natural ground is exposed and prepared to receive fill, but before any fill is placed.

d. **Excavation inspection**. After the excavation is started but before the vertical depth of the excavation exceeds 10 feet.

e. **Fill inspection**. After the placement of fill is started, but before the vertical height of the fill exceeds 10 feet, and at two foot vertical increments thereafter unless waived by the Director. In addition, the fill must be inspected by a qualified lab requiring testing for each two feet of fill.

f. **Drainage or groundwater recharge device inspection**. After forms and pipe are in place, but before any gravel or concrete is placed.

g. **Key and bench inspection**. After keys and benches are excavated, but before fill is placed.

h. **Rough grade inspection**. When all rough grading has been completed.

i. **Final inspection**. When all work, including installation of drainage structures, other protective devices, erosion control, planting and slope stabilization have been completed and the "as-graded" plan and required reports have been submitted to the Director and accepted as complete.

j. **Other inspections or investigations**. In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this Chapter and other laws and regulations as may be required by the Director. A licensed landscape architect, qualified biologist, archaeologist, erosion control specialist, or other qualified professional may be required to be present during inspections.

2. **Project inspector.** All grading construction and other work for which a permit is required shall be subject to an initial site investigation prior to commencement of any site disturbance or grading activity and either periodic or continuous inspections by authorized Department employees. Where the Director determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed, or the purpose of the work, the work shall have either continuous or periodic special inspections and supervision by a civil engineer or geotechnical engineer or other individuals if licensed by the State of California to perform this work. Prior to final approval of grading work under any type of permit, a final inspection shall be made

of all construction or work for which a permit has been issued by an authorized Department employee.

3. Inspection process.

a. Grading shall not be commenced until the permit holder or agent has posted an inspection record card in a conspicuous place on the site to allow the inspector to make the required entries thereon regarding inspection of the work. This card shall be maintained and available on the site by the permit holder until final approval.

b. The permit holder, agent, or contractor shall have an approved set of grading, drainage and erosion control plans and specifications on the site and available at all times while work is in progress until final approval. The plans and specifications shall also include any mitigation measures approved by the Environmental Coordinator.

c. In the absence of a specific work site designation, the Director may require the site to be surveyed and staked by a civil engineer or land surveyor licensed by the State of California so that the proper location of the work on the lot or parcel may be determined.

d. Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted, following inspection. The permit holder shall be responsible for notifying the Department of Planning and Building at least 24 hours prior to the time when an inspection is necessary.

e. Where the nature of the project, type of soils, geologic condition, drainage, or weather conditions dictate that special engineering, geotechnical engineering, geological, or erosion and sedimentation control inspections are necessary to prevent danger to public health, safety or welfare, the Director may require the permit holder to retain a licensed professional qualified to perform the following.

(1) Supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans; to check elevations or grades; inclination of slopes; elevation and grades of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and "as-graded" plans, if necessary.

(2) Provide either periodic or continuous inspection of soils work, including grading and compaction.

(3) Provide geological inspections.

(4) Inspect all erosion, sediment, runoff control and revegetation practices applied to the site.

f. Where the nature of the project dictates that special environmental monitors be required, the environmental review process and mitigation measures shall establish the manner and timeframe in which this review shall occur. In these instances, the Director may require the permit holder to retain a qualified professional to perform the work identified from these measures.

g. On work requiring the continuous supervision and inspection of a civil engineer, geologist, geotechnical engineer, or certified erosion and sedimentation control specialist, required inspections within their respective areas of expertise may be delegated to the civil engineer, geologist, geotechnical engineer or certified erosion control specialist by the Director. At plan check, the Director shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer, geologist, geotechnical engineer, or sediment and erosion control specialist.

h. If the civil engineer, geotechnical engineer, geologist, or sediment and erosion control specialist find that the work is not being performed in substantial conformity with this Chapter or the approved plans and specifications, notice shall be given to the person in charge of the grading work and to the Director. No work shall proceed unless and until the issuance of such written notice from the Director that work may proceed.

i. If the Director determines by inspection that grading as authorized is likely to endanger sensitive resources or public health, safety or welfare in the deposition of debris on any public or private property, or interfere with any existing drainage course, the Director shall require that effective precautions be taken to remove such likelihood or danger. Written notice to comply shall be given to the permit holder allowing no more than10 days for corrections to begin unless an imminent hazard to sensitive resources or the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

j. Final inspection, as required in this Chapter, shall be made to the satisfaction of the Director.

5. Testing. The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the Civil Engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Sections 306 and 7014 of the Uniform Building Code. The Director shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

6. **Transfer of responsibility.** All work shall immediately stop upon termination of the services of the engineer or other professionals approved to supervise grading work. The permit holder shall terminate all such grading work, and shall not commence again until the succeeding civil engineer, geotechnical engineer, engineering geologist, or other approved professional certifies, in writing to the Director, that the professional has reviewed all reports and phases of the project, is thoroughly familiar with the proposed work and that the professional approves the work already completed and will assume responsibility for making the necessary improvements thereto. Upon receipt of this notice, the Director shall give written notice that work may proceed.

7. **Final reports required.** Upon final completion of the work, the following reports, drawings and supplements are required for engineered grading, when professional inspection is performed for minor grading, as applicable, and for other minor grading, where deemed necessary by the Director.

   a. An as-graded grading plan prepared by the civil engineer retained to provide such services in compliance with Section 7014(e) of the Uniform Building Code showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage and groundwater recharge facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains or percolation cisterns shall be as reported by the soils engineer. Civil engineers shall state, in writing to the Director, that to the best of their knowledge the work within their area of responsibility was done in compliance with the final approved grading plan, and associated drainage, erosion and sedimentation control plans.

   b. A report prepared by the soils engineer retained to provide such services in compliance with Section 7014(c) of the Uniform Building Code, 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 responsibility is in compliance with the approved soils engineering report and applicable provisions of the Uniform Building Code and this Chapter.

   c. A report prepared by the engineering geologist retained to provide such services in compliance with Section 7014(d) of the Uniform Building Code, 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 compliance with the approved engineering geology report and applicable provisions of the Uniform Building Code and this Chapter.

d. An erosion and sediment control report prepared by the certified sediment and erosion control specialist or other qualified, approved professional including a final description of the erosion, sediment revegetation and runoff control practices applied on the site, including any new information disclosed during site development and the effect of same on recommendations incorporated in the approved grading plan and noting any changes required. Included shall be a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved erosion and sedimentation control plan and applicable provisions of the Uniform Building Code and this Chapter.

e. The grading contractor shall submit in a form prescribed by the Director a statement of conformance to all as-graded plans and specifications.

[22.05.038]

22.52.130 - Standards

A. Grading standards.

1. Excavation standards. All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the Uniform Building Code Appendix and the following standards.

a. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(1) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, **and** a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation impacts and that successful revegetation of the site can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.

(2) A retaining wall or other approved support which also mitigates visual impacts of the device is provided to support the face of the excavation.

b. The Director may require an excavation to be made with cut face flatter in slope than two horizontal to one vertical if a slope stability analysis or other appropriate method of review indicates that the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

c. No cut slope shall exceed a height of 25 feet without intervening terraces having a minimum width of six feet. These terraces shall be vertically spaced at intervals of 25 feet except that for slopes less than 40 feet in vertical height the terrace shall be approximately at mid-height. Suitable access shall be provided to permit cleaning and maintenance. The Director may modify this requirement because of geologic or other special conditions.

d. The border of all cut slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

e. All cut slopes shall be within parcels under one ownership unless written permission is granted by the adjacent owner.

2. Fill standards. All fills are to be conducted in compliance with the provisions of Section 7010 of the Uniform Building Code and the following standards.

a. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(1) A retaining wall or other approved support which also mitigates any negative visual impacts of the device is provided.

(2) The Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical if the applicant shows through the investigation and report, to be approved by the Director, of a geotechnical engineer that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope, that the areas on which the fill is to be placed are suitable to support the fill, and that the certified soil and erosion control specialist or other qualified professional indicates in writing that it is feasible to prevent erosion and sedimentation impacts and successful revegetation of the site can be accomplished.

b. The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) if a slope stability analysis or other appropriate method of review indicates that such flatter surface is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

c. Unless specified as a non-structural land reclamation, erosion control, or agricultural fill, all fills shall be placed, compacted, inspected, and tested in compliance with the following provisions.

(1) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. The surface shall be scarified to provide a bond with the new fill and where slopes are steeper than five horizontal to one vertical (5:1) 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 five horizontal to one vertical (5:1) shall be at least 10 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 10 feet wide, but the cut shall be made before placing the fill. The soils engineer, engineering geologist, or both, shall certify that the bench is a suitable foundation for the proposed fill.

(2) Except as otherwise permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in structural fills. The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions shall also apply.

(a) Prior to issuance of the grading permit, potential rock disposal areas shall be identified on the grading plan.

(b) Rock sizes greater than six inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

(c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(3) A fill shall be spread in a series of horizontal lifts as specified by the geotechnical engineer or other approved professional approved by the Director. The distribution of material throughout each layer shall be free of lenses, pockets or layers of material differing substantially in texture or gradation from the surrounding material. All material shall be compacted into a fill of uniform moisture and density as specified in paragraph (d) of this Subsection.

(4) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.

(5) A field density test, as herein provided, shall be taken for each 24 inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 200 cubic yards of fill placed unless a variation is recommended by the Soils Engineer and approved by the Director. In addition, in the case of a subdivision, field density tests shall be taken on lots which receive fill based upon the recommendations of a soils engineer.

(6) All fills regulated by this Chapter shall be tested for relative compaction by a qualified geotechnical testing agency. Final reports, including a letter certifying compliance with the terms of this Chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer or soils engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

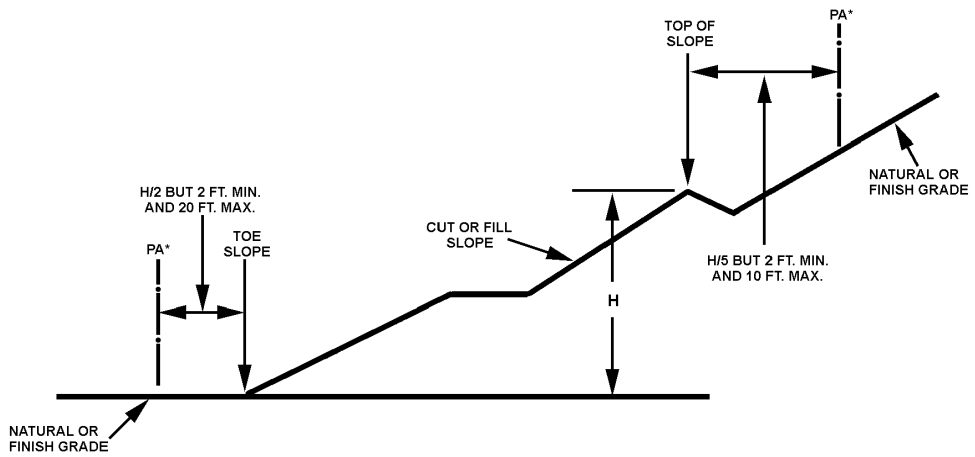
d. Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted unless evaluated and approved by a geotechnical engineer or engineering geologist.

e. The border of fill slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

3. Grading setback standards. Cut and fill slopes shall be set back from site boundaries in compliance with the most current provisions of the Uniform Building Code and the following standards.

a. General. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 52-5.

b. Top of cut slope. The top of the cut slopes shall not be closer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains. The director may approve adjustments as a condition of the permit, as required by individual site conditions.



❋ PA = Permit Area Boundary - Lot line(s) or permit area boundary if the permit area is smaller than the lot involved

Figure 52-5 - Grading Setbacks

c. **Toe of fill slope**. The toe of fill slopes shall not be closer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, or site conditions warrant, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions shall include, but are not limited to the following.

(1) Additional setbacks.

(2) Provisions for retaining or slough walls.

(3) Mechanical or vegetative treatment of the fill slope to minimize erosion.

(4) Provisions for the control of surface waters.

d. **Modification of slope location.** The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer, engineering geologist, or erosion control specialist to demonstrate that the intent of this Section has been satisfied.

e. **Distance from property line.** No cut or fill shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking, or other damage which might result.

B. **Drainage standards.** A Master Drainage Plan shall be required as part of the grading plan for all grading permit applications. Designs for site area drainage and terraces shall conform to the following provisions.

1. **Runoff volume.** Runoff conveyance systems shall be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the County Engineer. This may be reduced to a 10-year storm for small watersheds.

2. **Interceptors.** Concrete ditches or other approved methods of intercepting surface runoff waters shall be installed along the top of all cut slopes where the tributary drainage area has a slope 10 percent or greater and a horizontal projection greater than 40 feet.

3. **Berms.** Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes where runoff would be directed towards the top of fill.

4. **Over side drains.** Over side drains shall be of concrete or corrugated metal pipe having a diameter required by run-off calculations, but not less than eight inches, and shall be aligned so as to minimize velocity at discharge points. Alternate designs approved by the County Engineer may be permitted.

5. **Inlets.** galvanized iron, or approved equivalent and shall be provided with overflow structures.

6. **Outlets.** Outlet structures shall be provided with approved velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters where necessary and aligned to minimize downstream erosion and reasonably maximize recharge at discharge points, and shall be approved by the County Engineer.

7. **Dispersal structures.** An approved drainage dispersal structure shall be constructed wherever it is necessary to convert channel flow to sheet flow.

8. **Groundwater recharge methods.** Identify all methods to enhance groundwater recharge that have been incorporated into project design.

9. **Rain gutters.** Approved rain gutters shall be provided to receive all roof water and dispose of the water in a groundwater enhancing and non-eroding manner where the Director determines it to be necessary because of steepness of slope or presence of erodible materials.

10. **Building site drainage.** All graded building pads shall slope a minimum of two percent to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street, recharge area or drainage way. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six inches plus two per cent of the distance from the footing to the drainage device or curb. The Director may allow 1 percent to be used, if, because of terrain or soils, 2 percent is not reasonably attainable or necessary.

11. **Capacity of drainage devices.** On graded sites, the Director may require that drainage devices calculated to convey runoff from a 25-year frequency storm or greater be installed, if deemed necessary to prevent erosion, to conduct storm water around buildings or structures and to the nearest street, recharge area or drainage way.

12. **Appearance of drainage or recharge devices.** Where drainage devices are highly visible from the street or located in the public viewshed, they shall be shielded from view, if practical. Where visible, drainage devices shall be compatible with area character and the existing topography. Exposed concrete oversize drains are prohibited within these situations unless a visual analysis indicates the prohibition to be unnecessary. If they are visible, the size shall be the minimum necessary to handle drainage and ensure ability to maintain all drainage devices which collect from the slopes shall convey drainage by means of underground pipes or rock-lined ditches or other approved materials to blend with the natural topography in character, color and design. Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography. Detention, retention, or recharge basins should be designed as a visual and/or recreational amenity within a project whenever practical.

13. **Areas subject to flooding**. Buildings or structures are not permitted in an area determined by the County Engineer to be subject to flood hazard by inundation, overflow, high velocity or erosion, except where the buildings or structures comply with the standards in Section 22.14.060, and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. These provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or structure, or other means. The building and other structures (including walls and fences) shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property. In the application of this standard, the County Engineer shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Section 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Title by reference as though they were fully set forth here.

14. **Design of flood proofing measures.** Flood proofing measures required by the County Engineer shall be designed by a licensed architect or registered civil engineer.

15. **Sub-drains.** The Director may require the installation of approved sub-drains in areas where underground water is anticipated.

16. **Runoff computations.** Runoff computations may be made by the rational method except where specific methods for calculating individual residential retention basins have been adopted.

17. **Alternate designs.** Alternate designs which provide equivalent safety and are approved by the County Engineer may be used in lieu of those contained in this Section.

C. Dam and reservoir standards.

NOTE. All surface stream water impoundments require approval of an application to appropriate water from the California State Water Resources Control Board, Division of Water Rights.

1. **Agricultural stock ponds.** Agricultural stock ponds less than two acre feet in capacity are exempt from permit requirements. Agricultural stock ponds that are between two acre feet and 10 acre feet in capacity may be exempted if the plans are determined to be consistent with accepted design and conservation sites are approved by qualified professionals including a civil engineer, U.S. Department of Agriculture, Natural Resource Conservation Services, Resource Conservation District. All other dams, reservoirs and impoundments require a grading permit unless the design is prepared or approved by , and is inspected and certified by, the U. S. Department of Agriculture, Resource Conservation Service or State of California Department of Water Resources and the work is exempt from the California Environmental Quality Act. If required by the Director, engineered grading shall be under the strict supervision of a registered civil engineer who

shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

2. **Ponds, reservoirs or dams.** The proposed site of the pond, reservoir or dam shall not be.

   a. Identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream unless the project has been reviewed subject to CEQA and determined to not contain significant adverse impacts to the aquatic or riparian resources.

   b. In a location identified on any published geologic or soils maps on soils prone to slip or slide.

3. **Required reports.** The Director, in granting a permit for construction, may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that construction of the facility has been completed in conformity with the approved plans and specifications and this Chapter may be required.

D. Erosion and sedimentation control standards. Erosion and sediment control measures shall be required as part of the grading plan requirements. Plan contents and standards shall be as specified in Section 22.52.090 (Erosion Control Plan Required).

1. Exposed man-made slopes shall be planted in permanent vegetation to prevent erosion unless determined by the Director or erosion control specialist to be unnecessary.

2. Grading limits shall be staked out as shown on the approved plans before site disturbance begins. All land disturbance shall be restricted to this area.

3. All earth fills and disturbed areas shall be planted, mulched and maintained, or otherwise protected from the effects of storm runoff and wind erosion. Permanent or temporary soil stabilization must be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Denuded areas which may not be at final grade but which will remain undisturbed for longer than 60 days shall also be stabilized within 15 days. All mulching shall provide the same protection as that resulting from the application of two tons of straw mulch per one acre of surface area. All disturbed or denuded area created during the period between November 15 and March 15 of the following year shall be mulched or equally protected before quitting time each day.

4. All permanent slopes over three feet high shall be permanently revegetated to achieve a minimum of 70 percent coverage at 24 months. All slopes shall be maintained to assure the success of the plant material and the maintenance of the slope.

5. A minimum of one, one-gallon shrub shall be planted per 100 square feet of slope area where shrubs are appropriate to the area unless equivalent alternate measures are approved by the Director. Plant material must be selected to achieve 100 percent coverage of slope at maturity.

6. One, one-gallon tree shall be planted every 500 square feet of slope area where appropriate to the area unless equivalent alternative measures are approved by the Director.

7. Temporary or permanent irrigation shall be provided where necessary to assure the successful establishment of the plant material.

8. Grading for normal agricultural practices to prepare a field or normal crop or range improvement practices should be protected by recognized agricultural erosion control methods.

9. Grading permits may be conditioned to provide landscape and maintenance security.

10. Sediment basins shall be designed to trap and store all sediment particles larger than those passing a #200 testing sieve, from the peak discharge of a 25 year frequency storm.

11. Runoff shall enter and exit a basin through protected inlets and outlets as approved by the Director.

12. Sediment removal scheduling and sediment dispersal shall be as approved by the Director.

13. Temporary drainage control measures during construction to avoid concentration of flow which may cause or exacerbate erosion and sedimentation.

E. Groundwater recharge standards. Groundwater recharge measures shall be required as part of the Site Plan Review requirements. Plan contents and standards shall be as specified in Section 22.52.100 and as listed below. Stormwater impound areas shall:

1. Be located to use the most permeable soils on the project site, where practical.

2. Be sufficiently shallow or properly shielded so that they do not pose a safety hazard.

3. Drain fast enough or be designed so that ponded water does not become a vector habitat (mosquito pond).

[22.05.040]

22.52.140 - Enforcement and Interpretations

A. Stop Work Orders.

1. Whenever any grading, construction or earth work is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon purposeful misinformation or misrepresentation, or whenever the public health, safety or welfare is endangered, or any work is not in compliance with the plans or permits approved for the project, the Director shall issue a written notice or stop work order on the portion of the work affected. Such notice or order to stop work shall be served upon the property owner and any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work in writing. The notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the Director. The order may specify actions necessary to restore the site or provide temporary measures for erosion and sedimentation control until the site has been approved for grading.

2. It shall be unlawful for any person to commence or continue any work regulated under the provisions of this Chapter in violation of, or contrary to any stop work notice or stop work order issued in compliance with this Section, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Director or, upon appeal, from the Board.

B. Appeal. All decisions, interpretations or acts of the Director regarding the implementation of the grading standards of this Chapter, shall be subject to appeal to the Board in compliance with Section 22.70.050.

C. Violations and penalties.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter is subject to civil or criminal action. The Board hereby declares that any grading done contrary to the provisions of this Code is unlawful and a public nuisance. The offense may be filed as either an infraction or a misdemeanor at the discretion of the San Luis Obispo County District Attorney.

2. In addition to any penalties prescribed, the Director shall submit a written report to the appropriate state licensing or professional registration board or society in cases where contractors or professional consultants violate the provisions of this Code.

3. Unless a different penalty is prescribed for violation of a specific provision of this Title, any person violating any of the provisions or failing to comply with the requirements of this Title is guilty of a misdemeanor, provided, however, that the offense shall be an infraction in the following events.

   a. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time of arraignment, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;

   b. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

4. Each separate day on which a violation of this Title exists shall constitute a separate offense.

5. Any person convicted of a misdemeanor under this Title shall be punished by imprisonment in the County jail for a period not exceeding six months, or by a fine not exceeding $1,000, or both such fine and imprisonment.

6. Any person convicted of an infraction under this Title shall be punished by a fine not exceeding $100 for the first violation; by a fine not exceeding $200 for a second violation of the same ordinance within one year; and by a fine not exceeding $500 for each additional violation of the same ordinance committed by that person within one year.

7. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

8. Due to the potentially greater environmental effects associated with grading without a permit or using inadequate or improper grading techniques, and the associated additional on-site and cumulative sedimentation and erosion impacts, as well as excessive native vegetation and wildlife impacts, the following shall be completed as a part of the remedial efforts.

   The applicant shall include additional "cumulative impact" measures above that required for specific on-site remedial work (e.g. contribute to off-site revegetation banking program (where applicable and available), reestablish nearby degraded habitat, removal of surrounding undesirable weedy plants within a sensitive habitat) that is of comparable size as that disturbed, or as determined appropriate by the County.

D. Injunction, civil remedies and penalties, and costs.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed $6,000.

2. When the Director determines that any person has engaged or, is engaged, in any act(s) which constitute a violation of provision(s) of this Chapter, or order issued, the District Attorney or the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause.

3. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be liable for and obliged to pay to the County of San Luis Obispo for all costs incurred by the County in obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation. (See Section 22.74.080, Recovery of Costs.)

4. Until all costs, fees and penalties assessed under this Chapter are paid in full, no final approval, Certificates of Completion, Certificates of Compliance, Certificates of Occupancy, land use permits or Final Map shall be issued or approved by the Planning and Building Department, Public Works Department, other County agencies, or the Board.

5. In determining the amount of civil penalty to impose, the Court shall consider all relevant circumstances, including but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; any corrective action taken by the persons responsible; and the cooperation or lack of cooperation in efforts toward abatement or correction.

[Chapter Amended 1999, Ord. 2863] *[22.05.042]*

CHAPTER 22.54- STREET AND FRONTAGE IMPROVEMENTS

Sections:

22.54.010 - Purpose of Chapter
22.54.020 - Site Access and Driveway Requirements
22.54.030 - Curbs, Gutters and Sidewalks

22.54.010 - Purpose of Chapter

This Chapter provides standards for the site access, driveway, and curb, gutter, and sidewalk improvements required for development projects authorized by a land use permit. *[22.05.104]*

22.54.020 - Site Access and Driveway Requirements

All projects that are subject to land use or construction permit approval shall be provided adequate vehicular and pedestrian access, as follows:

A. Minimum site access. No land use or construction permit shall be approved for any site unless the site has legal access and all-weather physical access to a public road; except that installation of all-weather physical access improvements may be provided prior to final building inspection, or prior to occupancy where allowed by Section 19.04.042 (Occupancy or use of an incomplete structure), where such improvements do not currently exist.

B. Site access location. The provisions of this Subsection apply only to land uses that are required to have six or more parking spaces. Land use permit approval shall not be granted to a proposed use unless at least one driveway serving the use is located on the type of street specified by this Section. These requirements are based on the traffic volume and turnover rate generated by a new land use, determined by the number of parking spaces required and the intensity of use of the parking lot (see Chapter 22.18 - Off-Street Parking Required, or Article 4 for a special use).

1. Required street type for access. At least one vehicle access driveway shall be located on any street with a capacity equal to or greater than the minimum specified by the following table. These standards do not apply to a parking lot that is a principal use (see Section 22.30.630 - Vehicle Storage).

Number of Spaces in Parking Lot	Required Access Location Based on Parking Lot Turnover (1)(2)		
	High	**Medium**	**Low**
6 - 20	Local	Local	Alley
21 - 40	Collector (3)	Local	Local
41 - 80	Collector	Collector	Local
81 +	Collector (4)	Collector	Local (5)

Notes:

(1) Expressed as the type of street (arterial, collector, local) on which a proposed use must be located. Actual access driveways may be located on a cross-street where the site abuts the required type of street.

(2) Parking lot turnover is determined by Chapter 22.18 (Parking and Loading), for the specific land use.

(3) For the purposes of this Section, collector streets include freeway frontage roads that extend between two collectors, between two freeway access points (which must include access and egress for both freeway directions), or a combination of the two situations.

(4) At least one site access driveway on a collector shall be within 800 feet of an arterial, measured along the roadway.

(5) At least one site access driveway on a local street shall be within 400 feet of a collector, measured along the roadway.

2. **Alternative street types for access.** Driveway access locations other than those required by Subsection B.1 above are allowable subject to Minor Use Permit approval, provided that the Review Authority first finds that the alternate location will not result in traffic congestion or traffic volumes inappropriate or substantially detrimental to the site vicinity. Where a Conditional Use Permit is otherwise required, the approval can be granted by the review authority through the Conditional Use Permit subject to the same required finding.

C. **Driveway placement.** A driveway from a street to a parking area with four or more parking spaces shall be located and designed as follows:

1. **Distance from street corner.** Driveways shall be located a minimum of 50 feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.

2. **Number of driveways.** Driveways serving a single site shall be limited to two along the frontage of any street, except where additional driveways are authorized by Minor Use Permit. The centerline of such driveways shall be separated by a minimum of 30 feet.

3. **Distance from property line.** Where a driveway intersects a street, the driveway shall be located a minimum of four feet from a side property line, except that the driveway transition may extend to within one foot of the property line, and except where adjoining lots use a shared driveway.

D. Driveway design and construction. Proposed driveways shall be designed and constructed as follows. These requirements are in addition to any applicable provisions of Chapter 13.08 of this Code (Encroachments).

1. Driveway width. A driveway, as defined in Chapter 22.80 (Definitions - Driveway), providing access to a building sites or a parking area from the public street or between separate parking areas on a site shall be a minimum width of 10 feet and shall also provide a fuel modification area as defined by Chapter 22.80 (Definitions - Fuel Modification Area), where applicable.

2. Exception to width standard. The following standards shall apply In high or very high fire hazard severity zones.

Driveway Length	Required Driveway Width
Less than 50 ft	10 ft (1)
50 to 200 ft	12 ft (2)
Greater than 200 ft (3)	16 ft

Notes:
(1) The driveway shall provide for a fuel modification area as defined in Chapter 22.80 (Definitions - Fuel Modification Area).
(2) A turnout, as defined in Chapter 22.80 (Definitions - Turnout), shall be provided near the midpoint.
(3) For driveways exceeding 300 feet, a turnaround, as defined in Chapter 22.80 (Definitions - Turnaround), shall be provided at the building site and must be within 50 feet of the dwelling. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart.

3. Driveway grade. The minimum level of improvement is determined by the grade of the driveway providing access from the road to the building site or parking area as follows:

Surface	Maximum Grade
All-weather	less than 12%
Non-skid[1]	12% to 16%
Non-skid	over 16%[2]

Notes:
(1) Surface shall be asphalt or concrete as specified in the San Luis Obispo County Standard Specifications and Improvement Drawings, including a non-skid finish.
(2) A driveway with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Section 22.54.020.F (Adjustment). An adjustment may also be requested for a driveway designed by a Registered Civil Engineer that exceeds 20 percent grade.

E. Road design and construction. Proposed roads or extensions of existing roads, as defined in Chapter 22.80 (Definitions - Road), not associated with the approval of a subdivision application shall be designed and constructed as follows:

1. Road width. The minimum width of applicable roads, as specified above, shall be as follows:

Road Direction	Required Road Width	
	Residential	Commercial/Industrial
One-way	10 ft (1)	16 ft (2)
Two-way	18 ft	20 ft (2)

Notes:
(1) The road shall also provide for a fuel modification area as defined in Chapter 22.80 (Definitions - Fuel Modification Area).
(2) Fire lanes shall be provided as set forth in the Uniform Fire Code.

2. Road grade. The minimum level of improvement is determined by the grade of the road providing access to the building site or parking area as follows:

Surface	Maximum Grade
All-weather	less than 12%
Non-skid (1)	12% to 16%
Non-skid	over 16% (2)

Notes:
(1) Surface shall be asphalt or concrete as specified in the San Luis Obispo County Standard Specifications and Improvement Drawings including a non-skid finish.
(2) A road with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Section 22.54.020.F (Adjustment). An adjustment may also be requested for a road that exceeds 20 percent grade and is designed by a Registered Civil Engineer.

F. Adjustments. An adjustment to the standards of Section 22.54.020.D or E. may be granted where proposed by the applicant and mitigated practices are approved by the fire inspection authority, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

1. **Application filing and processing.** Requests for adjustment shall be filed with the fire inspection authority by the applicant or the applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and siting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the fire inspection authority when it has determined that the criteria for adjustment are satisfied as described in Section 22.54.020.F

2. **Appeals.** Where an adjustment is not granted by the fire inspection authority, the applicant may appeal the denial to the Fire Appeal Board as set forth in Title 16 of this Code. Decisions by the Fire Appeal Board may be appealed to the Commission (Section 22.20.050).

[Amended 1991, Ord. 2523]

[22.05.104]

22.54.030 - Curbs, Gutters and Sidewalks

The establishment of an approved land use shall include installation of concrete curb, gutters and sidewalks as set forth in this Section.

A. When required. Curb, gutter and sidewalk is required to be installed as set forth in this Section when such improvements do not already exist, and:

1. The value of any new structures or changes to existing structures, items or equipment (that add value to the property but would be exempt from a construction permit, or would not be subject to a "valuation" by the Department) proposed during a period of 12 months (as indicated by all building permits issued for the site during the 12-month period) exceed 25 percent of the total value of all improvements existing on the site as determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the parcel, allocating for land and existing site improvements based on the *Uniform Standards of the Professional Appraisal Practices* published by the Appraisers Standards Board of the Appraisal Foundation. Both of these methods shall be determined at the time the first building permit (within the 12-month period) is applied for.

2. A new structure is moved on to a site (rather than constructed in place) where street frontage improvement should be required Subsection B.

Where a site proposed for development has existing curb, gutter and/or sidewalk, the County Engineer may determine that the existing improvements have deteriorated so as to be unusable or unsafe, or are improperly located, and that reconstruction of such street frontage improvements is required in compliance with this Section.

B. Where required. Curb, gutter and sidewalk is required with any project in the following areas, unless otherwise provided by planning area standards (Article 9):

1. In all Commercial and Office and Professional categories within an urban reserve line.

2. In Residential Multi-Family categories within an urban reserve line.

3. In all Industrial categories within an urban reserve line.

4. In new residential subdivisions, in compliance with Title 21 of this Code.

C. Extent of improvements. Curb, gutter and sidewalk improvements are to be constructed as required by this Section along the entire street frontage of the site, and also along the street frontage of any adjoining lots in the same ownership as the site.

D. Exceptions. Curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed as follows, provided that waiver of such improvement requirements shall not grant relief from the requirements of Chapter 13.08 of this Code governing encroachment on County rights-of-way:

1. Incompatible grade. The improvements required by this Section may be waived or modified by the County Engineer when, in the opinion of the County Engineer, the finish grades of the project site and adjoining street are incompatible for the purpose of accommodating the improvements.

2. Incompatible development. The required improvements may be waived by joint decision of the Director and County Engineer where they determine, based upon the land use designations of the Land Use Element, existing land uses in the site vicinity, and existing and projected needs for drainage and traffic control, that such improvements would be incompatible with the ultimate development of the area.

3. Premature development.

a. The required improvements may be waived when the Director determines that they would be premature to the development of the area because the proposed use which causes the improvements to be required by Subsections A. and B. is an interim use of the site and the required improvements can clearly be obtained with further or intensified development of the site at a later time.

b. A portion of the improvements required by Subsection may be waived when the Director determines that the project under consideration is a part of a phased development and that upon completion of all phases the entire extent of improvements specified by Subsection C. will be constructed.

c. The required improvements may be delayed when the County Engineer determines that they would be premature to the development of the area, because the proposed use is likely to be the ultimate development of the site, but the characteristics of ongoing development in the vicinity result in the County Engineer concluding that delaying the improvements would better support the orderly development of the area; in which case the applicant shall execute an agreement in compliance with Section 22.54.030.G and construct the improvements within a period of one year or such other time established by the County Engineer.

4. Board modification. The requirement for curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed through approval of such by the Board where it has been determined by the County Engineer and the Director that a waiver cannot otherwise be granted through the exceptions defined in Sections 22.54.030.D.1 through D.3, and the Board finds that special circumstances exist including but not limited to, an unusual landscape feature, a specific valuation inequity or a property specific circumstance that would make construction of the required improvements ineffectual.

5. **Exception procedure.** Any of the exceptions set forth in this Section are to be requested in writing, using the application form provided by the Department of Planning and Building.

E. Design and construction. Curb, gutter and sidewalk improvements shall be designed and constructed to the grade and specifications required by the County Engineer, as follows:

1. **Design standards.**

   a. The County Engineer shall design and stake the improvements required by this Section when the fronting streets are in the County-maintained road system.

   b. When the fronting streets are not in the County-maintained road system or the improvements are required by Minor Use Permit or Conditional Use Permit conditions of approval, the County Engineer may require that a registered civil engineer be retained by the developer to design and stake the required improvements. Improvement plans shall be prepared in accordance with the San Luis Obispo County Improvement Standard Specifications and shall be approved by the County Engineer

   c. The developer shall enter into an agreement with the County Engineer for the checking and inspection of improvement work designed by a private engineer.

2. **Construction standards.**

   a.. All grading and construction is to occur at the expense of the developer, including placement of base and surfacing between the lip of the new gutter and the existing pavement (if any) as necessary to complete the street surface.

   b. Any required street surfacing shall be a minimum of 2-inches of asphaltic concrete and the structural section shall be based on a traffic index of four or greater as required by the County Engineer.

   c. Where there is no existing pavement, the paved surfacing across the property frontage shall be a minimum of 24 feet in width measured from the face of the curb and shall continue with a minimum width of 20 feet to the nearest paved, County-maintained road. Where surfacing exists along the fronting street, the new surfacing shall be installed between the gutter and the existing pavement. These improvements shall include paved transitions to provide for existing road drainage as well as drainage to or from the proposed site.

F. Timing of installation. All required improvements shall be completed in compliance with Section 22.64.090 (Project Completion), Section 22.64.100 (Occupancy or Use of Partially Completed Projects) prior to occupancy, or Section 22.54.030.G (Encroachment Permit Fee and Agreement Required).

G. Encroachment permit fee and agreement required. All persons required to install concrete curbs, gutters and sidewalks under this Section shall execute with the County Engineer an agreement to install the curbs, gutters and sidewalks in accordance with the provisions of this Section, pay the current fee required for a curb, gutter and sidewalk encroachment permit and post a faithful performance bond for the construction of the improvements in an amount determined by the County Engineer, prior to the issuance of the building permit.

H. Appeal. Any person aggrieved by the requirements of this Section shall have the right of appeal to the Board in compliance with Section 22.70.050.

[Amended 1981, Ord. 2063; 1985, Ord. 2217; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741; 1999, Ord. 2880] *[22.05.106]*

CHAPTER 22.56- TREE PRESERVATION

Sections:

22.56.010 - Purpose of Chapter
22.56.020 - Tree Removal Permit Required
22.56.030 - Tree Removal Standards

22.56.010 - Purpose of Chapter

The standards of this Chapter are intended to protect existing trees from indiscriminate or unnecessary removal. Tree removal means the destruction or displacement of a tree by cutting, bulldozing, or other mechanical or chemical methods, which results in physical transportation of the tree from its site and/or death of the tree. *[22.05.060]*

22.56.020 - Tree Removal Permit Required

No person shall allow or cause the removal of any tree located within urban or village reserve lines, or other specific areas identified in the planning area standards (Article 9) as being subject to these standards, without first obtaining a tree removal permit, as follows.

A. When required. Zoning Clearance (Section 22.62.030), is required before the removal or replacement of any existing trees except trees that are.

1. Identified and approved for removal in an approved Zoning Clearance, Site Plan Review, Minor Use Permit or Conditional Use Permit, provided that such removal is subject to the standards of Section 22.56.030 (Tree Removal Standards); or

2. Located within residential land use categories on sites developed with residential uses; or

3. Located within or adjacent to a public or public utility right-of-way, when such trees are to be removed by a public agency, public utility or are to be removed under an encroachment permit issued by a public agency having jurisdiction; or

4. In a hazardous condition which presents an immediate danger to health or property; or

5. With trunks measuring less than eight inches in diameter at four feet above grade; or

6. To be removed in preparation for agricultural cultivation and crop production in an Agriculture land use category.

7. To be removed as part of management practice in orchards of commercial agricultural production.

B. Application content. Land use permit applications that propose tree removal are to include all information specified by Section 22.62.030 (Zoning Clearance Content), and the following.

1. The size, species and condition (e.g., diseased, healthy, etc.) of each tree proposed for removal.

2. The purpose of removal.

3. The size and species of any trees proposed to replace those intended for removal.

[Amended 1982, Ord. 2091] *[22.05.062]*

22.56.030 - Tree Removal Standards

Applications for tree removal in compliance with Section 22.56.020 are to be approved only when the following conditions are satisfied.

A. Tagging required. Trees proposed for removal shall be identified for field inspection by means of flagging, staking, paint spotting or other means readily visible but not detrimental to a healthy tree.

B. Removal criteria. A tree may be removed only when the tree is any of the following.

1. Dead, diseased beyond reclamation, or hazardous;

2. Crowded, with good horticultural practices dictating thinning;

3. Interfering with existing utilities, structures or right-of-way improvements;

4. Obstructing existing or proposed improvements that cannot be reasonably designed to avoid the need for tree removal;

5. Inhibiting sunlight needed for either active or passive solar heating or cooling, and the building or solar collectors cannot be oriented to collect sufficient sunlight without total removal of the tree;

6. In conflict with an approved fire safety plan where required by Chapter 22.50;

7. To be replaced by a tree that will provide equal or better shade, screening, solar efficiency or visual amenity within a 10-year period, as verified in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman.

[22.05.064]

ARTICLE 6

Land Use and Development Permit Procedures

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CHAPTER 22.60 - PERMIT APPLICATION FILING AND PROCESSING

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22.60.020 - Authority for Land Use Decisions
22.60.030 - Consolidated Processing
22.60.040 - Application Preparation and Filing
22.60.050 - Initial Application Review

22.60.010 - Purpose of Chapter

This Chapter provides requirements and procedures for the preparation, filing, and processing of applications for the land use permits required by this Title. This Chapter also sets time limits for application processing, the establishment of approved land uses, commencement of construction and project completion. *[22.02.020]*

22.60.020 - Authority for Land Use Decisions

Table 6-1 (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application, land use permit, or other approvals required by this Title.

TABLE 6-1
REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)		
	Director	**Commission**	**Board**
Administrative and Amendments			
Appeals	Recommend	Appeal	Appeal
Interpretations	Decision (2)	Appeal	Appeal
General Plan Amendment	Recommend	Recommend	Decision
Land Use Ordinance Amendment	Recommend	Recommend	Decision
Land Use Permits and Development Approvals			
Zoning Clearance	Decision (2)	Appeal	Appeal
Site Plan Review	Decision (2)	Appeal	Appeal
Minor Use Permit	Decision (2)		Appeal
Conditional Use Permit	Recommend	Decision	Appeal
Specific Plan	Recommend	Recommend	Decision
Variance	Recommend	Decision	Appeal

Notes:

(1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 22.70.050 (Appeals).

(2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.

22.60.030 - Consolidated Processing

A. Land use permit. If a proposed project involves multiple land uses, project authorization may be obtained by means of a single permit application for the highest permit level required for any of the individual uses. (For example. A commercial center of several stores, proposed to contain a use requiring Conditional Use Permit approval and two uses requiring Site Plan Review, may be authorized by a single Conditional Use Permit approval.)

B. Land division and lot line adjustment.

1. Where a land use permit is *required* in conjunction with a land division application, the Review Authority that would otherwise grant the land use permit shall take action.

2. Where a land use permit is *not required* in conjunction with a land division application but is being processed *concurrently* with the application, the action on the land use permit is delegated to the advisory agency that will take action on the land division or lot line adjustment application.

[Amended 1994, Ord. 2696] *[22.02.027]*

22.60.040 - Application Preparation and Filing

A. Pre-application conference. The applicant or their representative is encouraged to request a pre-application conference with the Department of Planning and Building as early in the process as possible (i.e., prior to any substantial investment such as land acquisition and site engineering and construction plans), subject to the applicable fee. During the conference, Department representatives, and where applicable, representatives from other County departments, should discuss applicable policies, plans, standards, and requirements as they apply to the proposed project, review the appropriate procedures for processing the application and examine possible alternatives or modifications relating to the proposed project. Land use, land division and lot line adjustment applications are subject to a public hearing and are discretionary. Action on an application by the Review Authority may differ from the opinion given by staff during the pre-application conference. [Added 1994, Ord. 2696] *[22.02.021]*

B. Application contents. Land use permit applications shall be filed with the Department of Planning and Building using the forms provided by the Department, and shall include all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by this Article or Article 7 for the approval of the permit or other entitlement being requested. *[22.02.030a]*

C. Fees required. Permit applications filed in compliance with this Title shall include the required filing fee at the time of submittal. The required filing fee is determined by the County Fee Ordinance. *[22.01.034]*

D. Additional information required. Site Plan Review, Minor Use Permit, and Conditional Use Permit applications shall include the following information in addition to the other application content requirements of this Article, prior to acceptance of the application as complete. Some or all of these requirements *may* be waived by the Director in compliance with Subsection E. Where the applicant volunteers to complete an environmental impact report (EIR) in compliance with the requirements of CEQA, the additional information required by this Subsection may be fulfilled as part of the EIR completed for the project.

1. **Agricultural buffers.** Where there is an existing agricultural use taking place on adjacent parcels and the applicant proposes an agricultural buffer, the buffer shall be shown on site plan, and incorporated into the site design or the lot configuration of the proposed land division.

2. **Archeological report.** The applicant shall provide an archeological surface search, prepared by a qualified individual approved by the Director.

3. **Botanical report.** The applicant shall provide a botanical report, prepared by a qualified individual approved by the Director.

4. **Biological report.** The applicant shall provide a biological report, prepared by a qualified individual approved by the Director.

5. **Building site envelopes.** Any proposed building sites that minimize grading, tree removal and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the site plan for existing or proposed parcels larger than 10,000 square feet to demonstrate how the future development of the site(s) relates to the other information required by this Section.

6. **Noise study.** Where required by the Noise Element or where the project adjoins a potential noise generator, a noise study shall be required to be prepared by a qualified individual approved by the Director.

7. **Tree inventory plan.** The applicant shall provide a tree inventory plan that locates all trees, on a site plan, their size and species and any proposed for removal. The plan shall also include proposals for replacement of trees to be removed. In areas where no trees are proposed for removal, the limits of the wooded area may be designated by the outline of the canopy.

8. **Visual analysis.** For applications that propose development along significant visual corridors, as identified in the Open Space Element or the Land Use Element, a visual analysis shall be required to be prepared by a qualified individual approved by the Director.

9. **Other information.** To be based on the list(s) maintained by the Department of Planning and Building, as allowed by Government Code Section 65940, as required for specific cases to allow adequate review of the proposal, and determine consistency with the General Plan and other applicable ordinances.

[Added 1992, Ord. 2553] *[22.02.035]*

E. Waivers of content. Some or all of these requirements *may* be waived by the Director upon receipt of a written request stating the specific conditions on the site that negate the need for the additional information, the unusual characteristics of a project site or the nature of a project make it infeasible or unnecessary for the applicant to submit all of the information for a permit application required by this Title, or that the information is available in the Department of Planning and Building and this makes the provision of the additional information unnecessary. If the Director finds any of the above circumstances, the Director may waive or reduce the requirements if it is also found that the absence of the documentation will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Title.

[Amended 1986, Ord. 2250] *[22.02.024]*

22.60.050 - Initial Application Review

Applications filed with the Planning and Building Department in compliance with this Title and applicable provisions of State law shall be processed as follows.

A. Completeness review. Within the time periods specified by this Section, the Director shall determine whether a land use permit application includes the information required by this Chapter and any information required by the lists maintained by the Department, as allowed by Government Code Section 65940, which specify in detail information required to be submitted prior to the department's determination of whether an application is complete, and shall notify the applicant of the results of that determination. The applicant shall be informed by a letter either; that the application has been accepted for processing, or that the application is incomplete. If the application is determined to be incomplete, the letter shall specify the parts of the application that are incomplete and shall indicate the manner in which the application can be made complete, including a list and description of specific information needed.

1. **Zoning Clearances.** The determination of completeness shall occur at the time of application filing. No Zoning Clearance application shall be accepted for processing unless it is determined to be complete at the time of filing.

2. **Site Plan Review, Minor Use Permits, and Conditional Use Permits.** The determination of completeness shall occur in compliance with the procedures and time limits set forth in Government Code Section 65943.

When an applicant is notified that an application is incomplete, the time used by the applicant to prepare and submit the additional information shall not be considered part of the period within which the Director must determine completeness. The time available to an applicant to prepare and submit additional information is limited by Section 22.64.030 (Application Deemed Withdrawn). When information requested to complete an application is received by the Director, the information shall be reviewed for adequacy within the same time frame required for the initial completeness review by Subsections A.1 and A.2 for the respective application type.

[Amended 1992, Ord. 2553] *[22.02.022]*

B. Referral. Planning and Building Department review of applications filed in compliance with this Chapter will include notification of the following agencies. The purpose of notification shall inform interested agencies of proposed projects that may affect their jurisdictions so that the agencies may provide comments on development proposals.

1. **Air Pollution Control District (APCD):** The APCD shall be notified in compliance with Section 22.10.030 (Air Pollution Control District Review).

2. **Public Works Department.** The County Public Works Department shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit applications regarding matters of drainage, flood hazards, water and sewer facilities, public street access and improvements, and surface mining operations conducted on behalf of the County.

3. **Fire Department.** County fire protection agencies including the County Fire Department, the various county fire protection districts and the California Department of Forestry shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit proposals within their respective jurisdictions.

4. **Health Department.** The County Health Department shall be notified of land use proposals in compliance with Section 8.06.010 (Construction Plans Required) of this Code, or any case where a proposed use will involve toxic or hazardous materials in larger than household quantities.

5. **Incorporated cities.** The incorporated cities of the County shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit proposals in or within one mile of their respective urban reserve lines, or other area defined by agreement between the County and City.

6. **Regional Water Control Board.** The Regional Water Quality Control Board shall be notified in compliance with Section 22.10.090 (Water Quality).

7. **Special districts.** Special districts, Including community services districts, school districts and sanitary districts shall be notified in the same manner as incorporated cities.

8. **Public utilities.** Public utility companies including but not limited to providers of water, gas, telephone and electrical services shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit applications.

[Amended 1992, Ord. 2553] *[22.02.026]*

CHAPTER 22.62- PERMIT APPROVAL OR DISAPPROVAL

Sections:

22.62.010 - Purpose of Chapter
22.62.020 - Business Licence Clearance
22.62.030 - Zoning Clearance
22.62.040 - Site Plan Review
22.62.050 - Minor Use Permits
22.62.060 - Conditional Use Permits
22.52.070 - Variances

22.62.010 - Purpose of Chapter

A. Permit review procedures. This Chapter provides procedures for the final review, and approval or disapproval of the land use permit applications established by this Title.

B. Subdivision review procedures. Procedures and standards for the review and approval of subdivision maps are found in Title 21 (Subdivisions) of this Code.

C. Application filing and initial processing. Where applicable, the procedures of this Chapter are carried out after those described in Chapter 22.60 (Permit Application Filing and Processing), for each application.

22.62.020 - Business Licence Clearance

A. Purpose of review. The Department of Planning and Building reviews business license applications to verify the compliance of proposed uses and buildings with county land use regulations, as required by Title 6 of this Code. These standards apply to business license applications that:

1. Propose a new business; or

2. Involve a change of use in an existing structure; or

3. Renew a license for a business using leased off-site parking.

B. Standards for business license clearance. No business license shall be approved by the Director unless the proposed site and land use satisfy the following requirements, as applicable.

1. All licenses. Approval of all business license applications reviewed by the Director shall satisfy the following criteria.

a. **Use.** The proposed use has been authorized by an approved land use permit; or where business license clearance is the only authorization required by this Title, the proposed use is allowed in the land use category that applies to the site, and is also allowed by any combining designation or planning area standard (Article 9) applicable to the site; or is a legal nonconforming use in compliance with Chapter 22.72.

b. **Structure.** The Building Official certifies that the structure conforms to all applicable requirements of Title 19, evidenced by a Certificate of Occupancy.

c. **Operational standards.** The proposed use will comply with all applicable provisions of Sections 22.10.030 (Air Quality), 22.10.050 (Explosives Storage), 22.10.060 (Exterior Lighting), 22.10.070 (Flammable and Combustible Liquids Storage), 22.10.170 (Vibration), and 22.10.180 (Water Quality).

d. **Violation.** The proposed site and any structures or land uses existing on the site are not in violation of any applicable provision of this Title or this Code.

2. **Re-use of existing structures.** Approval of a business license application that proposes establishment of a new (different) business in an existing building or structure shall be subject to the provisions of Subsection B., and in addition shall be subject to the following.

a. **Parking.** The proposed business site shall contain the number of off-street parking spaces, driveway and parking lot improvements as required by Chapter 22.18 (Parking); except as otherwise provided by Section 22.72.100 (Nonconforming Parking).

b. **Signing.** All signing on the proposed site shall be in conformity with Chapter 22.20 (Signs), and Section 22.72.070 (Nonconforming Signs).

3. **New uses.** Approval of a business license that proposes the first occupancy of a new building or structure shall require compliance with the provisions of Subsections B.1 and B.2, and in addition shall be subject to the following.

a. **Landscape, fencing and screening.** All landscape, fencing and screening on the proposed site shall comply with Chapter 22.16 (Landscaping) and Section 22.10.080 (Fencing and Screening).

b. **Site development standards.** The site shall conform to requirements for drainage, fire protection, curbs, gutters and sidewalks as required by Article 5 (Site Development Standards).

[Amended 1981, Ord. 2063; 1986, Ord. 2250; 1993, Ord. 2648] *[22.02.028]*

22.62.030 - Zoning Clearance

A Zoning Clearance is a ministerial land use permit. When a Zoning Clearance is required by this Title to authorize a development proposal, its approval certifies that the land use or development will satisfy all applicable provisions of this Title. In cases where a construction permit is required by Title 19 of this Code, the Zoning Clearance is processed and approved as part of the construction permit application and approval process. Approval of a Zoning Clearance enables the establishment of a land use that does not require a construction permit but is still subject to the standards of this Title.

A. Zoning Clearance application. Zoning Clearance applications shall include the the information required by Section 22.60.040.B, and the following additional information. Drawings shall be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.

1. Zoning Clearance content. Zoning Clearance applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 22.60.040.D (Waivers of Content).

a. Site location and dimensions. Location, exterior boundaries and dimensions of the entire property that is the subject of the application. Scale of the drawing and a north arrow. Outside of the urban or village reserve lines identified by the Land Use Element, include an area location map showing the proposed project site and its distance from nearby roads, towns, and natural or manmade landmarks, as necessary to readily locate the site.

b. Road access and street improvements. Location, name, width, and type of surfacing of adjacent street(s) or alleys. Location of existing or proposed curbs, gutter and sidewalk improvements, if any; evidence documenting that the site has legal access to a public road and has or will be provided adequate all-weather physical access with completion of the development.

c. Buildings and structures. Location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, decks, balconies, fences, walls and other structural elements that protrude into yard areas (when the use of a proposed structure is not certain at the time of application, the occupancy-type as defined by the Uniform Building Code may be substituted for use); height of buildings and structures; elevations (relative height) from the finish floor of the garage or other parking area to the edge of the pavement or road at the driveway entrance.

d. Easements. Location, dimensions and purpose of all recorded easements on the property, including but not limited to utility, drainage and access easements, etc.

e. Utilities. Location, dimensions and type of proposed water supply and sewage disposal facilities or connections.

f. Site improvements. Location and dimensions of existing or proposed driveways and parking areas (enclosed or open), including type of surfacing materials; and identification of any driveway grades over 10 percent. Location and dimensions of

areas proposed for grading and site disturbance. Where a landscape plan is required in compliance with Chapter 22.16, show compliance with the landscape standards Chapter 22.16.

g. Landforms. The generalized location of any major topographic or man-made features on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas.

h. Additional information. To be included with Zoning Clearance applications as required in the following specific cases, in addition to all other information required by this Section.

(1) Combining designation information. When required by Chapter 22.14 for sites within a combining designation identified by the Land Use Element.

(2) Drainage plan. When required by Chapter 22.52 (Drainage, or Chapter 22.14 (Combining Designations).

(3) Fire safety plan. When required by Chapter 22.50 (Fire Safety), to be submitted for projects outside the urban or village reserve lines.

(4) Grading plan. When required by Chapter 22.52 (Grading).

(5) Planning area requirements. An application shall also include all information required by Article 9 (Community Planning Standards) for a specific community, or area of the county.

(6) Sign information. When any use is proposed to have signs, a description of their location, size, design and copy shall be provided.

(7) Special standard requirements. An application shall also include all information required by the standards of Article 4 for a specific use, or by other Chapter of this Title.

(8) Solid waste disposal information. As required by Section 22.10.150.

(9) Trees. Applications for projects within urban or village reserve lines, or where required by planning area standards (Article 9), shall show the location of trees existing on the site in or within 50 feet of proposed grading or other construction, which are eight inches or larger in diameter at four feet above natural grade. Trees proposed to be removed shall be noted (any tree removal is subject to the requirements of Chapter 22.54 - Tree Preservation).

2. Ownership verification. Evidence that the applicant is the owner of the subject site or has written authorization from the owner or owners to make the application.

B. Zoning Clearance review and approval. The Director shall approve a Zoning Clearance application when the proposed project or use satisfies all applicable provisions of this Title. (In approving a Zoning Clearance that designates occupancy type rather than use, the Director will supply the applicant a list of uses that can be accommodated by the building and site improvements proposed, consistent with the requirements of this Title.)

C. Post-approval procedures. The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Zoning Clearance.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648] *[22.02.030]*

22.62.040 - Site Plan Review

Site Plan Review is required by this Title for projects more intensive than those requiring a Zoning Clearance. Site Plan Review considers the greater effects these uses may have upon their surroundings, and characteristics of adjacent uses that could have detrimental effects upon a proposed use. Like the Zoning Clearance, a Site Plan Review is also a ministerial land use permit. When Site Plan Review is required, application preparation and processing shall occur as follows.

A. Site Plan Review application content. Site Plan Review applications shall include an application form and other information prepared as specified in Sections 22.60.040.B, and 22.62.030 (Zoning Clearance), and shall also include all the following.

1. **Preliminary floor plan.** For all structural uses except single residences and agricultural accessory buildings.

2. **Architectural elevations.** For all structural uses except single residences and agricultural accessory buildings, provide illustrations of how the completed buildings will appear, such as elevations, renderings or perspectives of each proposed structure, identifying the color, texture and type of all exterior finish and roofing materials.

3. **Adjacent land use information.** For all uses except single residences, the location, use and approximate dimensions of buildings within 100 feet of the site.

4. **Landscape plan.** To be prepared as required by Chapter 22.16 (Landscaping), for all applicable projects in compliance with Chapter 22.16.

5. **Contour map.** To be prepared as follows, except when a grading plan is required by Chapter 22.52 (Grading).

   a. **Inside urban reserve lines.** Site contour information shall be provided at five-foot intervals for undeveloped areas and two-foot intervals for building sites and paved or graded areas.

   b. **Outside urban reserve lines.** Site contour information shall be provided at 10-foot intervals (which may be interpolated from USGS Topographic Quadrangle Maps) for undeveloped areas, and at two-foot intervals for building sites and paved or graded areas.

c. **Areas in excess of 30 percent slope.** May be designated as such and contours omitted, unless proposed for grading, construction or other alteration.

6. **Supplementary development statement.** Including a phasing schedule for project construction if proposed, and identification of any areas proposed to be reserved and maintained as common open space. Applications for uses subject to the provisions of Article 4 (Standards for Specific Land Uses) shall include explanation of how the proposed project will comply with the applicable provisions of Article 4.

7. **Reduced drawings.** Site Plan Review applications shall include one copy each of the site layout plan and architectural elevations (if any), reduced to 8-½- by 11-inch sheets to facilitate the transmittal of this information to responsible agencies for their review.

B. **Site Plan Review processing.** Site Plan Review applications shall be submitted to the Department of Planning and Building and shall be processed as follows.

1. **Environmental determination.** Where a Site Plan Review application is required by Chapter 22.52 (Drainage) or Chapter 22.14 (Combining Designations) to include a drainage plan, or where Chapter 22.14 or Article 4 (Standards for Specific Land Uses) otherwise require an environmental determination, the determination shall occur in compliance with Section 22.62.050.B, before the processing steps of Subsections B.2 through B.3.

   a. If an Environmental Impact Report (EIR) is required, the project shall be processed and authorized only as a Conditional Use Permit (Section 22.62.060).

   b. Where no EIR is required, processing shall be as described in Subsections B.2 through B.3.

2. **Review and approval.** The Director shall approve a Site Plan Review application if the proposed project satisfies all applicable provisions of this Title. Where a negative declaration on a Site Plan Review identifies necessary environmental impact mitigation measures, they shall apply to the approved Site Plan Review as conditions of approval. The approval shall become effective for the purpose of building or grading permit issuance, or establishment of a use not involving construction, on the date of approval of the Site Plan Review application unless an appeal is filed as set forth in Subsection B.3.

3. **Appeal of Site Plan Review decision.** Any aggrieved person may appeal a Site Plan Review decision as stated in Section 22.70.050 (Appeal) within seven days of the decision; provided the only basis for an appeal, or action on an appeal by the appeal body shall be whether the proposed use satisfies all applicable provisions of this Title.

C. **Post-approval procedures.** The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan Review.

[Amended 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648]
[22.02.032]

22.62.050 - Minor Use Permits

The Minor Use Permit review process provides for public review of significant land use proposals that are not of sufficient magnitude to warrant Commission review; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Minor Use Permit process shall include the opportunity for a public hearing before the Director. Action on a Minor Use Permit is discretionary, and may include: approval based on the standards of this Title; approval with conditions; or disapproval, based on conflict with the provisions of this Code, or information in the Tentative Notice of Action or public hearing testimony. When Minor Use Permit approval is required by this Title, preparation and processing of the application shall be as follows

A. Application content. The content of a Minor Use Permit application shall be the same as for Site Plan Review (Section 22.62.040), and shall also include a list of names and addresses of all owners of property located within 300 feet of the perimeter of the parcel to be developed, accurate as of the day the application is filed with the County.

B. Minor Use Permit processing. Minor Use Permit applications shall be filed with the Department of Planning and Building, and shall be processed as follows.

1. Environmental determination. When a Minor Use Permit application has been accepted for processing as set forth in Section 22.60.050 (Determination of Completeness), it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA). No action shall be taken to approve or conditionally approve the application until the environmental determination results in.

a. A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

b. Approval of a negative declaration by the Review Authority in compliance with CEQA; or

c. Certification of a final environmental impact report (EIR) by the Review Authority in compliance with CEQA.

If an EIR is required, the project shall be processed and authorized only as a Use Permit (Section 22.62.060).

Where no EIR is required, Minor Use Permit processing shall be as described in this Section.

2. Referral to Commission.

a. At the discretion of the Director, any Minor Use Permit application for a project that may generate substantial public controversy or involve significant land use policy decisions may be referred to the Commission for review and decision in the same manner as a Conditional Use Permit (Section 22.62.060), without the applicant being charged an additional application fee.

b. An applicant may also choose that a Minor Use Permit application be subject to Commission review and decision as a Conditional Use Permit, provided that an additional fee in an amount equivalent to the difference between the fees for Minor Use Permit and Conditional Use Permit is first paid. This request by the applicant shall be filed with the Director in writing before notice of the administrative hearing is provided in compliance with Subsection B.4.

3. Tentative Notice of Action. Before scheduling an administrative hearing on a Minor Use Permit, the Director shall cause a Tentative Notice of Action to be prepared. The tentative notice shall.

a. Identify the proposed project and applicant;

b. Describe the relationship of the project to applicable county land use and development policies and ordinances;

c. Cite all relevant findings to be made in connection with the action on the project;

d. Note whether the tentative action shall be approval, approval subject to conditions or disapproval of the Minor Use Permit; and

e. List any applicable conditions of approval.

f. Note that the tentative decision will become the final action on the project, effective on the 15th day following the administrative hearing, unless the tentative decision is changed as a result of information obtained at the hearing or is appealed in compliance with Section 22.70.050.

The Tentative Notice of Action shall be mailed to the applicant no later than 15 days before the administrative hearing. The Tentative Notice of Action may also be provided any other interested persons upon request, subject to the fees set by the Board.

4. **Administrative hearing.** A public hearing before the Director on each Minor Use Permit shall receive public notice and be conducted as follows.

   a. **Notice of hearing.** Notice of public hearing shall be given as provided by Section 22.70.060, except as follows.

      (1) **Content of notice.** In addition to the information required by Government Code Section 65094, the notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.

      (2) **Method of notice distribution.** Notice of public hearings shall be given as provided by Section 22.70.060.A.

   b. **Public hearing.** A public hearing on a Minor Use Permit shall occur only when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the Director no later than seven days after the date of the public notice provided in compliance with Subsection B.4.a. In the event a public hearing is requested, the Minor Use Permit shall be scheduled for a hearing on the date and time as defined in the public notice. In the event that a proposed project conflicts with existing plans and ordinances, the Director may continue an item to the next meeting date regardless of whether a public hearing has been requested. The applicant and any interested parties shall be notified of the continuance.

5. **Final decisions on Minor Use Permits.** Immediately after the conclusion of public testimony in the case of a public hearing, or no sooner than the date of the meeting specified in the public notice required by Subsection B.4.a, the Director shall:

   a. Announce that the decision on the project set forth in the Tentative Notice of Action is the final administrative action on the proposed project and that the Minor Use Permit will become effective as set forth in Subsection E. unless appealed; or

   b. Announce that the tentative decision is changed as a result of information provided at the administrative hearing and whether the final decision is approval, conditional approval or denial; or

   c. Continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision; and

   d. In the event final action is taken, notify interested persons of the procedures by which the decision of the Director may be appealed.

C. Minor Use Permit approval or disapproval. The authority to take final action on a Minor Use Permit as set forth in this Subsection is assigned to the Director for the purposes of this Section, in compliance with Section 22.70.020.B and the authority established by Government Code Sections 65900 et seq. Decisions by the Director on Minor Use Permits may be appealed in compliance with Section 22.30.060.

1. **Criteria for approval.** A Minor Use Permit shall be approved only where the proposed use satisfies all applicable provisions of this Title, including but not limited to the findings in Section 22.62.060.C.4.

2. **Authority for action.** Approval or disapproval of a Minor Use Permit shall occur in the same manner and with the same discretion and effect as set forth for Conditional Use Permits in Section 22.62.060, provided that all authority to reach decisions, make findings, and impose conditions of approval in compliance with Section 22.62.060.C is assigned to the Director.

D. Notice of Final Action. Within seven days of the administrative hearing, or no sooner than the date of the meeting specified in the public notice required by Subsection B.4.a, the Director shall prepare a written Notice of Final Action. The Notice of Final Action shall include the Tentative Notice of Action described in Subsection B.3,and shall also describe any changes to the tentative action as a result of the administrative hearing (if held), including the final action itself, findings or conditions of approval resulting from the hearing, as well as noting the effective date of the Minor Use Permit. The notice shall be mailed to the applicant.

E. Effective date of Minor Use Permit. The approval of a Minor Use Permit shall become effective for the purposes of construction permit issuance, business license clearance, or establishment of a non-structural use, on the 15th day following the act of Director's approval, unless an appeal is filed in compliance with Section 22.70.050.

F. Post-approval procedures. The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Minor Use Permit.

[Amended 1992, Ord. 2553; 1992, Ord. 2583; 1994, Ord. 2696; 1995, Ord. 2741; 1999, Ord. 2880] *[22.02.033]*

22.62.060 - Conditional Use Permits

The purpose of a Conditional Use Permit is to: provide for public review of significant land use proposals; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Conditional Use Permit process includes a public hearing before the Commission. Action on a Conditional Use Permit is discretionary and may include: approval based on the standards of this Title; approval with conditions; or disapproval, based on conflict with the provisions of this Code, or information in the staff report or public hearing testimony. When Conditional Use Permit approval is required by this Title, preparation and processing of the application shall be as follows.

A. Application content. The content of a Conditional Use Permit application shall be the same as required for Site Plan Review by Section 22.62.040, and Minor Use Permits by Section 22.62.050.

B. Conditional Use Permit processing. Conditional Use Permit applications shall be submitted to the Department of Planning and Building, and shall be processed as follows.

1. Environmental determination. When a Conditional Use Permit application has been accepted for processing as set forth in Section 22.62.050.A (Determination of Completeness), it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA). No action shall be taken to approve or conditionally approve the application until the environmental determination results in:

a. A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

b. Approval of a negative declaration by the decision making body in compliance with CEQA; or

c. Certification of a final environmental impact report (EIR) by the decision- making body in compliance with CEQA.

2. Staff report. Following completion of an Environmental Determination, the Department of Planning and Building shall prepare a staff report that:

a. Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and

b. References applicable county land use policies; and

c. Determines whether the proposed use or project satisfies at minimum the provisions of this Title; and

d. Recommends whether, and on what basis, the proposal should be approved, conditionally approved or disapproved.

3. Public hearing. The Director shall schedule the Conditional Use Permit for public hearing before the Review Authority as set forth in Section 22.70.060.

C. Conditional Use Permit approval or disapproval. The authority to take final action on a Conditional Use Permit as set forth in this Subsection is assigned to the Subdivision Review Board or Commission. Where a Conditional Use Permit application is required in conjunction with a land division application, the advisory agency designated to take action on the land division by Title 21 of this Code shall consider both the Conditional Use Permit application and the land division application on the same agenda. Final action on the Conditional Use Permit shall occur prior to final action on the land division application. In all other cases requiring Conditional Use Permit approval only, the Commission is assigned to take final action. Decisions of the Review Authority may be appealed to the Board (Section 22.70.050).

1. **Conditions of approval.** After the conclusion of a public hearing, the Review Authority may approve, conditionally approve, or disapprove the Conditional Use Permit. In conditionally approving a Conditional Use Permit, the Review Authority shall designate conditions to satisfy any requirements of CEQA, and to:

   a. Secure compliance with the objectives and requirements of this Title and the Land Use Element; and

   b. Designate time limits or phasing schedules other than those specified in Section 22.64.060 (Land Use Permit Time Limits) for the completion of projects, when deemed appropriate.

2. **Additional conditions.** In addition to the conditions of Subsection C.1, the Review Authority may adopt other conditions, including but not limited to:

   a. Requiring that security be provided to guarantee performance and/or compliance with conditions of approval, as set forth in Section 22.64.040 (Guarantees of Performance);

   b. Requiring installation of specific on-site or off-site improvements;

   c. Modifying, superseding or replacing conditions of approval imposed on the subject site or land use by a previous Conditional Use Permit, Minor Use Permit or any land use permit issued in compliance with the zoning ordinance (Ordinance No. 603).

   d. Authorizing land uses on the site in addition to those requested in the Conditional Use Permit application where the additional uses would normally be required by this Title to have Zoning Clearance, Site Plan Review or Minor Use Permit approval.

   e. Any other conditions judged by the Review Authority to be necessary to achieve compatibility between the proposed use and its site, its immediate surroundings, and the community.

3. **Effect of conditions.** Whenever a Conditional Use Permit approval is granted or amended subject to conditions, use or enjoyment of the Conditional Use Permit approval in violation, or without observance of any condition shall constitute a violation of this Title. In the event of such a violation, the approval may be revoked or modified as provided in Section 22.14.160 (Permit Revocation). The duration of conditions is established in Section 22.64.120 (Lapse of Land Use Permit).

4. **Required findings.** The Review Authority shall not approve or conditionally approve a Conditional Use Permit unless it first finds that:

   a. The proposed project or use is consistent with the Land Use Element of the General Plan; and

   b. The proposed project or use satisfies all applicable provisions of this Title; and

c. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and

d. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

e. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project.

f. Any additional findings required by planning area standards in Article 9 (Community Planning Standards), combining designation (Chapter 22.14), or special use (Article 4).

D. Effective date of land use permit. The approval of a Conditional Use Permit shall become final and effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day following the Review Authority approval; unless before that time, an appeal to the decision is filed as set forth in Section 22.70.050 (Appeal).

E. Post-approval procedures. The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Conditional Use Permit.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1992, Ord. 2583] *[22.04.034]*

22.62.070 - Variances

A Variance from the strict application of the requirements of this Title may be requested as provided by this Section.

A. Limitations on the use of a Variance. A Variance shall not be used to:

1. Reduce the minimum parcel size required for a new land division by Chapters 22.22 or Article 9 below the range of parcel sizes specified by Part I of the Land Use Element for the land use category in which the site is located; or

2. Authorize land uses other than those normally identified as allowable in a particular land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements) planning area standards of Article 9, or other Chapter of this Title, in compliance with Government Code Section 65906.

B. Application. A written application for Variance shall be filed with the Department of Planning and Building on the form provided, accompanied by all graphic information required for Zoning Clearance by Section 22.62.030 (Zoning Clearance Content), and any additional information necessary to explain the request. Acceptance of the application is subject to Section 22.04.030.A (Allowable use), and 22.60.050.A (Determination of Completeness).

C. Notice and hearing. After acceptance of a Variance application and completion of a staff report, the Commission shall conduct a public hearing on the Variance request. Notice and scheduling of the hearing shall comply with Section 22.70.060 (Public Hearing).

D. Action on a Variance. The Commission shall approve, approve subject to conditions, or disapprove a Variance in compliance with this Subsection. The decision may be appealed to the Board in compliance with Section 22.70.050 (Appeals).

1. Findings. Approval or conditional approval may be granted only when the Commission first determines that the Variance satisfies the criteria in Government Code Section 65906 by finding that:

a. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the property is situated; and

b. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and

c. The Variance does not authorize a use that is not otherwise authorized in the land use category; and

d. The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

2. Conditions of approval. In approving an application for Variance, conditions shall be adopted as are deemed necessary to enable making the findings required by Subsection D.1.

E. Effective date of Variance. The approval of a Variance shall become final and effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day after the act of Commission approval; unless before that time an appeal to the decision is filed in compliance with Section 22.70.050 (Appeals).

F. Post-approval procedures. The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Variance.

[Amended 1999, Ord. 2880] *[22.01.045]*

22.62.080 - Emergency Permits

This Section establishes procedures for the issuance of emergency permits in situations that constitute an emergency as defined by this Section. Emergency permits may be granted by the Director as provided by this Section.

A. Emergency defined. For the purposes of this Section, an emergency is a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

B. Permit procedures. In cases of emergency, the Director may issue an emergency permit in compliance with the following provisions:

1. Applications in cases of emergencies shall be made to the Director in writing if time allows, or by telephone or in person if time does not allow.

2. The information to be reported during the emergency, if it is possible to do so, or as soon as possible after the emergency shall include the following:

   a. The nature of the emergency;

   b. The cause of the emergency, insofar as this can be established;

   c. The location of the emergency;

   d. The remedial, protective or preventative work required to deal with the emergency; and

   e. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

3. The Director shall verify the facts including the existence and nature of the emergency, insofar as time allows.

4. The Director shall provide public notice of the proposed emergency work, with the extent and type of notice determined by the nature of the emergency.

5. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, based on the finding:

   a. An emergency exists that requires action more quickly than permitted by the process for regular permits administered pursuant to this Title, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit;

   b. Public comment on the proposed emergency action has been reviewed, as time allows; and

   c. The work proposed would be consistent with applicable standards of this Title..

6. Within 30 days of the notification required in Subsection B.1, the property owner shall apply for a land use permit as required by this Title and any construction permits required by Title 19 of this Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.74.

7. The Director shall not issue an emergency permit for any work to be undertaken on any submerged lands or on public trust lands, whether filled or unfilled.

8. The Director shall report emergency permits to the Commission at their next regular meeting. The decision to issue an emergency permit is solely at the discretion of the Director, although subsequent permits required for the project are subject to all applicable hearing requirements of this Title.

[Added 1995, Ord. 2741] *[22.03.045]*

CHAPTER 22.64 - PERMIT IMPLEMENTATION, TIME LIMITS AND EXTENSIONS

Sections:

22.64.010 - Purpose of Chapter
22.64.020 - Applications Deemed Approved
22.64.030 - Applications Deemed Withdrawn
22.64.040 - Performance Guarantees
22.64.050 - Changes to an Approved Project
22.64.060 - Land Use Permit Time Limits
22.64.070 - Land Use Permit Extensions of Time
22.64.080 - Substantial Site Work Defined
22.64.090 - Project Completion
22.64.100 - Occupancy or Use of Partially Completed Projects
22.64.110 - Occupancy with Incomplete Site Improvements
22.64.120 - Lapse of Land Use Permit

22.64.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the land use permits required by this Title, including time limits, and procedures for granting extensions of time.

22.64.020 - Applications Deemed Approved

Any application approved in compliance with Sections 65956 et seq. of the Government Code shall be subject to all applicable provisions of this Title, which must be satisfied by the applicant before any construction permit is issued. [Amended 1992, Ord. 2553] *[22.02.054]*

22.64.030 - Applications Deemed Withdrawn

Any application received and processed shall be deemed withdrawn if:

A. It is determined that the proposed use is not allowable in the land use category where the site is located, in compliance with Section 22.06.030 (Allowable Land Uses and Permit Requirements) or the planning area standards of Article 9 (Community Planning Standards); or

B. It has been held in abeyance or continuance, awaiting the submittal of additional required information by the applicant, and the applicant has not submitted the information within 90 days of:

   1. The last County notification to the applicant requesting additional information in advance of either a decision to accept the application for processing, or review by the applicable Review Authority, to which the applicant has not responded; or

   2. The date of the last Review Authority consideration of the application.

Prior to an application being deemed withdrawn, a letter shall be sent notifying the applicant of the withdrawal, and explaining the requirements for re-filing. Where a written request from the applicant is received asking that the application package and unused portion of the filing fee be returned, the Director shall return the entire application package to the applicant, including accompanying information and any portion of the filing fee not used in processing up to the point of withdrawal. A withdrawn application may be re-filed at any time, provided that it shall be received and processed as a new application.

[Amended 1984, Ord. 2163, 1995, Ord. 2741] *[22.02.056]*

22.64.040 - Performance Guarantees

When required by the provisions of this Title, or by condition of approval of a Minor Use Permit or Conditional Use Permit, appropriate security or guarantees shall be provided by the applicant as set forth in this Section. A bond is used to guarantee the proper completion of required improvements, drainage facilities, grading, revegetation, site restoration after use, reclamation and/or removal of structures, equipment or other materials, preservation of certain site features, or compliance with other provisions of this Title or conditions of approval. The guarantee shall be a bond or other secured contractual guarantee, unless otherwise provided in Article 4 (Standards for Specific Land Uses). The use of the terms bond, guarantee and security in this Section shall all mean guarantees of performance.

A. Posting. The guarantee shall be posted with the Department, with the County of San Luis Obispo named as beneficiary.

B. Form of bond. A surety bond or other guarantee shall be in a form approved by the County Counsel, including default provisions, and shall provide that in the event suit is brought upon the bond by the County and judgment is recovered, the surety shall pay all costs incurred by the County in the suit, including reasonable attorneys' fees to be fixed by the court.

C. Amount of bond. The guarantee shall be of an amount established by the Director equal to the actual cost of completing the specified improvements, restoration, or satisfying conditions of approval. Provided, however, that where a guarantee is required by Conditional Use Permit condition of approval to preserve identified site features, the guarantee shall be in an amount the Commission deems necessary to assure compliance with the applicable condition.

D. Release of bond. At the request of an applicant, or before the expiration of a bond or guarantee, the Director will review the project and issue a completion statement if all provisions of this Title and conditions of approval have been met. Upon issuance of the completion statement, the guarantee, bond or cash deposit will be released. If the Director determines the project does not meet the applicable requirements, the applicant shall be notified in writing of the deficiencies. A time period for their correction shall be mutually agreed upon by the applicant and the Director, with the security being held until all the requirements are satisfied. Where no agreement is reached following written notification by the Director, or where an agreed time period for completion is exceeded, the bond shall be called.

[Amended 1992, Ord. 2553] *[22.02.060]*

22.64.050 - Changes to an Approved Project

An approved land use shall be developed or established only as shown on the project plans approved as part of the permit application, except where otherwise provided by this Section. Deviation of project design or construction from the approved plans, and changes to the project after completion of construction may occur only as follows.

A. Except as provided by following Subsection B., a feature of the use or project subject to the standards of Articles 3, 4, and 5 may be modified, provided that the change requested is in with the standards of this Title. The change shall be requested in writing with appropriate supporting materials and explanation of the reasons for the request. The Director may approve a requested change upon verification of its conformity with this Title, provided that the approval shall not modify the effective date of the land use permit.

B. Where the Director determines that the change results in an increased impact to an aspect of the project, that was specifically addressed in a Negative Declaration or Environmental Impact Report for the project, or the change relates to a project feature that was specifically addressed in conditions of approval of a Minor Use Permit or Conditional Use Permit, or that was a specific consideration by the Review Authority in the approval of a Minor Use Permit or Conditional Use Permit, a new Minor Use Permit or Conditional Use Permit approval shall be obtained.

[Amended 1992, Ord. 2553] *[22.02.038]*

22.64.060 - Land Use Permit Time Limits

An approved Zoning Clearance or Site Plan Review is valid for a period of 18 months from its effective date. A Minor Use Permit, Conditional Use Permit or Variance is valid for 24 months after its effective date. At the end of this time period, the land use permit shall expire and become void unless:

A. Substantial site work toward establishing the authorized use has been performed (Section 22.64.080); or

B. The project is completed (Section 22.64.090); or

C. An extension has been granted (Section 22.64.070).

Nothing in this Title shall be construed as affecting any time limits established by Title 19 of this Code regarding work authorized by a building permit or other construction permit issued in compliance with Title 19, or time limits relating to the expiration of the permit.

[Amended 1986, Ord. 2250] *[22.02.040]*

22.64.070 - Land Use Permit Extensions of Time

When substantial site work (Section 22.64.080) on a project authorized by an approved land use permit has not occurred within the time limits set by Section 22.64.060, a maximum of three, 12-month extensions to the initial time limit may be granted as provided by this Section. Extension requests shall be in writing and shall be filed with the Department on or before the date of expiration of the land use permit or previous extension, together with the required filing fee. When an extension request has been filed, no construction permits shall be issued for a proposed project in compliance with Title 19 of this Code until the extension has been approved.

A. Initial extensions. The Director may grant two 12-month extensions to the time limit for any land use permit. The Director shall grant an extension only after finding that the land use permit does not contain conditions prohibiting extension, and that:

1. There have been no changes to the provisions of the Land Use Element or Land Use Ordinance applicable to the project since the approval of the land use permit; or

2. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element or Land Use Ordinance apply to the project; or

3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

Disapproval of a requested extension by the Director may be appealed to the Commission as set forth in Section 22.70.050 (Appeal).

B. Third extension. The Commission may grant one additional 12-month extension to an approved land use permit after the two initial extensions provided that the Commission makes the following findings.

1. That substantial site work could not be completed as set forth in Section 22.64.080 because of circumstances beyond the control of the applicant; and

2. The findings specified in Sections A.1, A.2, and A.3; and

3. The findings that were required by Section 22.64.060.C.4 to enable initial approval of the permit.

An approved land use permit shall become void after the expiration of the third extension (or after the expiration of any previous extension when a request for further extension has not been filed before expiration) where substantial site work has not first occurred in compliance with Section 22.64.080. No more than three extensions in compliance with this Section shall be granted.

C. Land use permit required with a land division. For land use permits that are ***required*** in conjunction with a land division application, the advisory agency (the Commission or the Subdivision Review Board) may grant five, 12-month time extensions to the time limit. The Department shall provide a written recommendation in its staff report to the advisory agency concerning the extension request.

[Amended 1986, Ord. 2250; 1999, Ord. 2880; 1999, Ord. 2880] *[22.02.050]*

22.64.080 - Substantial Site Work Defined

When all required construction permits have been obtained and construction of an approved use has begun, substantial site work toward establishing the authorized use shall be deemed to have been performed, and project construction may be completed subject to Section 22.64.120 (Lapse of Land Use Permit) when.

A. Building construction projects. Site work has progressed beyond grading and completion of structural foundations, and construction is occurring above grade within: 18 months of Zoning Clearance or Site Plan Review approval; 24 months of Minor Use Permit or Conditional Use Permit approval; or within 12 months of the date of approval of an extension of land use permit (Section 22.64.070), and construction continues with reasonable progress and no interruption greater than 180 consecutive days, provided that:

1. Single construction period projects. When no extended project phasing schedule has been authorized through Conditional Use Permit approval (Section 22.64.060.C.1.b.), substantial work shall be performed for all proposed buildings.

2. Phased projects. Where a project phasing schedule has been approved, construction permits shall be obtained and substantial work shall be performed on at least one approved building.

B. Non-building projects. The project is completed as set forth in Section 22.64.090 within 18 months of Zoning Clearance or Site Plan Review approval; 24 months of Minor Use Permit or Conditional Use Permit approval; or within 12 months of the date of approval of an extension of land use permit (Section 22.64.070).

C. Surface mining operations. In the case of a surface mining operation approved in compliance with Chapter 22.36, (Surface Mining and Reclamation), when surface mining operations have been commenced.

[Amended 1992, Ord. 2553] *[22.02.042]*

22.64.090 - Project Completion

Project completion is the point at which active County review of project progress is terminated. A development project is considered completed when:

A. A Certificate of Occupancy has been issued or, in the case of a dwelling, final building inspection has been granted by the Building Official verifying that all structures, site improvements and/or off-site work has been completed; and any bonds (Section 22.64.040) guaranteeing site improvements have been released.

B. The Director verifies that a use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of this Title and any adopted conditions.

C. A final map is recorded, in the case of a Conditional Use Permit approval that is intended only to authorize the filing of a tentative map in compliance with planning area standard (Article 9) or Chapter 22.22 (Land Division Design Standards), unless conditions of approval of the Conditional Use Permit specify other standards for determining project completion.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.02.044]*

22.64.100 - Occupancy or Use of Partially Completed Projects

Multiple building projects (including but not limited to apartment or office complexes and shopping centers), may be granted Certificates of Occupancy for individual completed buildings in advance of completion of the entire project only when.

A. Individual buildings are completed in compliance with Section 22.64.090 (Project Completion); and

B. The Director determines that the completed structures are capable of functioning independently from structures remaining to be completed; and

C. Occupancy of individual structures will not inhibit the completion of the total project; and

D. Partial occupancy during completion will not have a potential adverse effect on persons in the area or nearby properties.

E. Occupancy with incomplete site improvements is accomplished in compliance with Section 22.64.110.

[22.02.046]

22.64.110 - Occupancy with Incomplete Site Improvements

In the case of projects where all structures are complete, but improvements required by this Title or adopted conditions (including but not limited to landscaping, curb and gutter, paving, etc.) are not complete, a Certificate of Occupancy may be issued, provided that:

A. Buildings are completed in compliance with Section 22.64.090 (Project Completion); and

B. The Director determines that the buildings can function safely in advance of the completion of the lacking site improvements; and

C. The improvements remaining to be completed are guaranteed as set forth in Section 22.64.040 (Guarantees of Performance).

[22.02.048]

22.64.120 - Lapse of Land Use Permit

In the event that any of the circumstances listed in this Section occur, a land use permit shall be deemed to have lapsed. No use of land or structure, the land use permit for which has lapsed in compliance with this Section, shall be reactivated, re-established, or used unless a new land use permit is first obtained.

A. Completed projects. When a project has been completed or an authorized use not involving construction has been established (Section 22.64.090), the land use permit that authorized the project shall remain valid and in force, including any conditions of approval adopted in connection therewith, unless:

1. An approved use or structure authorized through Zoning Clearance approval is removed from the site, and the site remains vacant for a period exceeding 12 consecutive months, in which case the Zoning Clearance approval shall lapse; or

2. The circumstance described in Subsection C. occurs, in which case Minor Use Permit or Conditional Use Permit approval shall lapse; or

3. A use or structure authorized through Site Plan Review, Minor Use Permit or Conditional Use Permit approval remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months; or

4. The land use permit is revoked in compliance with Section 22.74.160 (Permit Revocation).

B. Partially completed projects. When an approved multiple building project has been partially completed (Section 22.64.100), its land use permit shall remain valid unless work ceases for a period greater than 12 months, and no schedule for phased construction was authorized by the land use permit.

C. Conditions declared void. If a judgement of a court of competent jurisdiction declares one or more of the conditions of an approved Minor Use Permit or Conditional Use Permit to be void or ineffective, or enjoins or otherwise prohibits the enforcement or operation of one or more conditions, the Minor Use Permit or Conditional Use Permit shall cease to be valid.

D. Changes in ordinance provisions. If an amendment to the Land Use Element or this Title is adopted such that the approved use is no longer allowable on its site, the land use permit shall lapse unless substantial site work has been completed (Section 22.64.090) before the effective date of the amendment. The effect of an amendment on a completed project is determined by Section 22.72.050 (Nonconforming Uses of Land).

[Amended 1992, Ord. 2553] *[22.02.052]*

ARTICLE 7

Land Use Ordinance Administration

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CHAPTER 22.70 - ADMINISTRATION AND ADMINISTRATIVE PROCEDURES

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22.70.010 - Purpose of Chapter

This Chapter provides procedures for adjustments to the provisions of this Title, amendments to this Title and the General Plan, appeals, and public hearings.

22.70.020 - Administrative Responsibility

The responsibility for the administration of this Title is delegated to the Director of Planning and Building, who will advise the public about its requirements. The Director of Planning and Building is referred to in this Title as the "Director." The responsibilities of the Director under this Title include the following functions, which may be carried out by Department employees under the supervision of the Director:

A. Application processing. Receive and review all applications for projects; certify that applications submitted have been properly completed; establish permanent files; conduct site and project analyses; post public notices; meet with applicants; collect fees; prepare reports; process appeals; present staff reports to the Zoning Administrator, Subdivision Review Board, Commission, or Board (as applicable); and

B. Zoning administration. Function as Zoning Administrator in compliance with the authority established by Government Code Sections 65900 et seq. in the conduct of hearings and the issuance of discretionary entitlements, where provided by this Title; and

C. Permit issuance. Issue permits under this Title and certify that all issued permits are in full conformance with its requirements; and

D. Coordination. Refer and coordinate matters related to the administration of this Title with other agencies and County departments; and

E. Amendment. In compliance with Section 22.70.040 (Amendment), petition the Board to initiate amendment of this Title when the amendment would better implement the General Plan and increase its effectiveness and/or improve or clarify the procedures or content of this Title; and

F. Enforcement. Enforce and secure compliance with the provisions of this Title in compliance with Chapter 22.74 (Enforcement).

[Amended 1986, Ord. 2250; 1992, Ord. 2583] *[22.01.040]*

22.70.030 - Adjustments

A. When allowed. When a standard of Articles 3, 4, or 5, or a planning area standard of Article 9 identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. (For example, Section 22.10.140.D.2.b provides that a required front setback may be reduced to a minimum of five feet through the adjustment process when the elevation of the lot is seven feet above or below the street centerline at 50 feet from the centerline.)

B. Application filing and processing. An adjustment request shall be filed with the Department in the form of an attachment to the project application, with appropriate supporting materials. The request shall specify the Land Use Ordinance standard requested for adjustment, and document the manner in which the proposed project qualifies for the adjustment. A request for adjustment shall not be accepted for processing by the Department unless the request is within the range of adjustments prescribed in the standard. A request for adjustment shall be approved by the Director when the Director finds that the criteria for adjustment specified in the subject standard are satisfied.

[Amended 1984, Ord 2163] *[22.01.044]*

22.70.040 - Amendments

This Title may be amended as provided by this Section whenever the Board determines that public necessity, convenience, or welfare would be served.

A. Initiation of amendment. The Board may initiate the processing of an amendment upon its own motion; may accept a request for amendment from any interested party, including the Director and/or Commission; and may deny the processing of any requested amendment. Amendment requests from the public shall be filed using the forms provided by the Department and shall include the filing fee set by the county fee ordinance. The Board may refer a proposed amendment to the Director and/or Commission for response before deciding whether to process the amendment.

B. Commission hearing. After review of a proposed amendment in compliance with the California Environmental Quality Act, and completion of a Department staff report, the Commission will provide notice and hold a public hearing in compliance with Section 22.70.060. The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the Director, and adopt a recommendation to the Board.

C. Commission recommendation. After the public hearing, the Commission shall submit a written recommendation to the Board on the proposed amendment, giving the reasons for the recommendation and the relationship of the proposed amendment to affected elements of the General Plan and any affected specific plans.

D. Board hearing and decision. After receiving the Commission recommendation, the Board shall hold a public hearing in compliance with Section 22.70.060. The Board may approve, modify or disapprove the recommendation of the Commission. However, any modification of a proposed amendment by the Board not previously considered by the Commission shall first be referred to the Commission for report and recommendation. The Commission is not required to hold a public hearing on this type of referral. Failure by the Commission to report within 40 days after the referral shall be deemed approval of the proposed modification to the amendment.

[Amended 1992, Ord. 2583] *[22.01.050]*

22.70.050 - Appeals

Decisions of the Director, Department, or Commission may be appealed by an applicant or any aggrieved person as follows:

A. Processing of appeals:

1. **Timing and form of appeal.** An appeal shall be filed within 14 days of the decision that is the subject of the appeal, except where otherwise provided in this Title, using the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Section, including scheduling the matter before the appropriate Review Authority.

2. **Report and hearing.** When an appeal has been filed, the Director will prepare a report on the matter, and cause the appeal to be scheduled for consideration by the appropriate Review Authority identified in Subsection B. at its next available meeting after completion of the report.

3. **Action and findings.** After holding a public hearing in compliance with Section 22.70.060 (Public Hearing), the appeal body may affirm, affirm in part, or reverse the action, decision or determination that is the subject of the appeal, based upon findings of fact regarding the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non-compliance of the subject of the appeal with the provisions of this Title.

4. **Withdrawal of appeal - Land use permits.** After an appeal to a decision on a land use permit has been filed, the appeal shall only be withdrawn with the consent of the Review Authority or by written request of the individual or group that generated the appeal.

5. **Appeals with other remedies available.** Appeals relating to matters resolvable through adjustment, Variance, amendment of the Land Use Element or this Title, or modification of the provisions of this Title through Conditional Use Permit approval where allowed by Articles 3, 4, 5, and 9, shall be processed according to the procedures of Sections 22.70.030 and 22.62.070; Chapter 2 of the Land Use Element; Section 22.70.040, and Articles 3, 4, 5, and 9, respectively, instead of this Section.

B. Appeal jurisdiction. An appeal shall be heard and decided by the appeal body identified as follows, except where another Section of this Title may specify a particular appeal body for the purposes of that section.

1. **Department decisions.** The following decisions of the Director and/or Department staff may be appealed to the Commission:

   a. Determination on the meaning or applicability of the provisions of this Title which are believed to be in error, and cannot be resolved with staff;

b. Any determination that a land use permit application or information submitted with the application is incomplete (as provided by Government Code Section 65943);

c. Any decision of the Department to approve or deny any application for Site Plan Review approval;

d. Any determination of consistency with the Land Use Element;

e. Any decision by the Director to revoke an approved Zoning Clearance or Site Plan Review.

2. Commission or Zoning Administrator decisions. Any decision of the Commission or the Zoning Administrator in compliance with this Title may be appealed to the Board. The decision of the Board shall be final.

3. Subdivision Review Board decisions. Any decision of the Subdivision Review Board on a land use permit associated with a land division application may be appealed to the Board. The decision of the Board shall be final.

[Amended 1984, Ord. 2163; 1985, Ord 2217; 1988, Ord. 2339; 1992, Ord. 2553; 1992, Ord. 2853; 1994, Ord. 2696; 1996, Ord. 2776; 1999, Ord. 2880; 2004, Ord. 3034] *[22.01.042]*

22.70.060 - Public Hearings

When a public hearing is required by this Title before action on a Minor Use Permit (Section 22.62.050), Conditional Use Permit (22.62.060), Variance (Section 22.62.070) appeal (Section 22.70.050) or amendment (Section 22.70.040), the hearing shall be conducted as provided by this Section.

A. Notice of hearing. Notice of a public hearing shall be given as follows:

1. Content of notice. Notice of a public hearing shall contain the information required by Government Code Section 65094 and any additional information the Director deems appropriate.

2. Method of notice/distribution. Notice of public hearings in compliance with this Title shall be given as follows:

a. Land use permits and appeals. Notice shall be given as provided by Government Code Section 65091.

b. Land Use Ordinance amendments. Notice shall be given in compliance with Government Code Sections 65090 and 65091 et seq.

B. Scheduling of hearing. After an application for a land use permit, Variance or proposed amendment to this Title is issued an exemption, negative declaration or environmental impact report, or an appeal to a county action is filed, the matter shall be scheduled for public hearing on the next available Zoning Administrator, Subdivision Review Board, Commission or Board agenda (as applicable) reserved for these matters after completion of the Department staff report. At the request of the project applicant and/or at the discretion of the Review Authority, a public hearing may be continued from time to time.

C. Notice of County action when hearing is continued. If a decision on a permit or amendment is continued by the county to a time which is neither previously stated in the notice provided in compliance with Subsection A., nor announced at the hearing as being continued to a time certain, the county shall provide notice of the further hearings (or action on the proposed development) in the same manner as provided by Subsection A.

D. Conduct of hearing. At the public hearing, interested persons may present information and testimony relevant to a decision on the proposed project or amendment. Applications will be scheduled for separate action, except that a consent agenda may be used, where several applications may be considered at one time.

[Amended 1992, Ord. 2583] *[22.01.060]*

CHAPTER 22.72 - NONCONFORMING USES, STRUCTURES, PARCELS, AND SIGNS

Sections:

22.72.010 - Purpose of Chapter
22.72.020 - Nonconforming Use Defined
22.72.030 - Right to Continue a Nonconforming Use
22.72.040 - Issued Building Permit
22.72.050 - Nonconforming Uses of Land
22.72.060 - Nonconforming Buildings, Structures or Site Development
22.72.070 - Nonconforming Signs
22.72.080 - Destroyed Nonconforming Structures and Signs
22.72.090 - Nonconforming Keeping of Animals
22.72.100 - Nonconforming Parking
22.72.110 - Nonconforming Lots of Record

22.72.010 - Purpose of Chapter

The regulations provided in this Chapter are intended to control, improve or terminate land uses that do not comply with the provisions of this Title. *[22.09.010]*

22.72.020 - Nonconforming Use Defined

Nonconforming use includes any of the following that were lawfully established before the effective date of this Title, or amendment to this Title that caused the use to become nonconforming:

A. Nonconforming use of land:

1. A use of land established where the use is not identified as an allowable use by Section 22.06.030;

2. A use of land that is identified as an allowable use by Section 22.06.030, but:

   a. Is not allowable on the particular site because of planning area standards of Article 9 (Community Planning Standards);

   b. Was lawfully established without the land use permit now required by this Title; or

   c. Is operated or conducted in a manner that does not now conform with standards of this Title relating to minimum site area, limitations on use, or location criteria.

3. A residential use that exceeds the number of dwelling units allowed on the site by this Title.

B. Nonconforming building, structure or site development:

1. A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this Title relating to setback requirements, height limitations or sign requirements; or

2. A building or structure that does not conform with one or more standards of Title 19 of this Code (the Building and Construction Ordinance); or

3. A site that is developed and/or laid out in a manner that does not conform with standards of this Title relating to site access location, parking and loading, landscaping, screening, fencing, signs, solid waste collection and disposal, exterior lighting, fire safety or underground utilities.

[Amended 1992, Ord. 2553] *[22.09.012]*

22.72.030 - Right to Continue a Nonconforming Use

A nonconforming use as defined by Section 22.72.020, which was established before the effective date of this Title or before any subsequent amendment which creates such nonconformity, may be continued and maintained as allowed by Sections 22.72.050 (Nonconforming Uses of Land) and 22.72.060 (Nonconforming Buildings, Structures or Site Development). Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged. *[22.09.020]*

22.72.040 - Issued Building Permit

Nothing in this Title shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued and for which substantial site work (Section 22.64.080) was lawfully completed before the effective date of any amendment to this Title which creates a nonconformity. *[22.09.022]*

22.72.050 - Nonconforming Uses of Land

Any nonconforming use of land (Section 22.72.020.A) may be continued as follows, except as provided by Section 22.72.080 (Destroyed Structures and Signs):

A. Expansion of existing use. The use may not be enlarged, increased, or extended to occupy a greater area of land than was occupied by the use on the effective date of this Title or amendment to this Title which created a nonconformity, except as otherwise provided by this Section. No land use shall be established on the site in addition to the nonconforming use of land, except:

1. Where the nonconforming use is first brought into conformity with all applicable provisions of this Title and Title 19 of this Code prior to application for a new conforming use; or

2. Where Conditional Use Permit approval authorizes a new use to be established subject to:

   a. Conditions of approval that require that the nonconforming use be brought into conformity within a specific time to be determined by the Commission, not to exceed three years; or

   b. Findings by the Commission that the proposed new use is independent from the nonconforming use and will not act to prolong the nonconforming use.

B. Maintenance, repair and alteration. A building or structure that constitutes a nonconforming use of land may undergo necessary repairs and maintenance consistent with the provisions of Section 22.72.080 (Destroyed Structures and Signs), but shall not be altered except for non-structural changes in the appearance of the building. Structural changes shall occur only where needed to correct conditions that have been determined by the building official to be hazards to the health or safety of users of the building or structure.

C. Discontinued use. If a nonconforming use of land is discontinued for a period of six months or more, or a nonconforming use of land in a building designed exclusively for the use (e.g., a service station) is discontinued for 12 months or more, any following use shall be in conformity with all applicable requirements of this Title, except as provided by Section 22.72.100 (Nonconforming Parking).

D. Single-family dwelling. A detached single-family dwelling existing as a principal use, and any accompanying residential accessory uses, may be continued as residential uses subject to Subsection B., and may be altered, provided that no increase in the number of dwelling units, or aggregate increase greater than 25 percent in the usable floor area, occurs. Additional residential accessory uses may also be established on the site as part of the allowed 25 percent expansion. Any expansion in compliance with this standard shall be in accordance with all applicable provisions of Articles 3, 4, and 5.

E. Destroyed structure. When a structure that constitutes a nonconforming use of land is destroyed or partially destroyed, its restoration is subject to Section 22.72.080 (Destroyed Structures and Signs).

F. Nonconformity due to lack of land use permit. Any nonconforming use that is nonconforming only because of the absence of a land use permit shall not be enlarged, altered or extended to occupy a greater land area without first securing approval of the required land use permit. The use shall be deemed a conforming use upon securing approval of the permit. Proposals for farm support quarters in compliance with Section 22.30.480.B. shall not be deemed an enlargement, alteration or extension of the existing use for purposes of this Subsection.

G. Nonconforming use of land in a conforming building or structure. The use of a building that is in conformity with the provisions of this Title for a nonconforming use of land may be continued and may be extended throughout the building provided no structural alterations to the building are made except those required by law.

[Amended 1992, Ord. 2539, 2553] *[22.09.026]*

22.72.060 - Nonconforming Buildings, Structures or Site Development

Any nonconforming building, structure or site development as defined by Section 22.72.020.B may continue to be used as provided by this Section (and Section 22.72.070 in the case of nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.

A. Nonconforming buildings or structures - Expansion or alteration. The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:

1. Proposed alterations or expansions consistent with all applicable provisions of this Title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this Code.

2. Minor alterations which are determined by the building official to be necessary to improve or maintain the health and/or safety of the occupants, or are required by law.

3. Restoration of destroyed or partially destroyed nonconforming buildings or structures, subject to Section 22.72.080 (Destroyed Structures and Signs).

The establishment of additional conforming buildings, structures or uses on the site may be allowed as provided by Subsection B.

B. Additional buildings, structures or uses. Separate conforming buildings, structures and uses of land may be established on the same site as a nonconforming building or structure, as follows:

1. **Permit requirement:** Minor Use Permit for all uses except farm support quarters, unless this Title would otherwise require Conditional Use Permit approval for the proposed additional building, structure or use. Site Plan Review for farm support quarters unless this Title would otherwise require Conditional Use Permit or Minor Use Permit approval.

2. **Criteria for approval.** The Review Authority shall not grant a Minor Use Permit in compliance with this Section unless it first determines that the existing building or structure satisfies the following requirements, or will be modified to meet the requirements as a result of conditions of approval.

   a. The existing building or structure shall be brought into conformity with all applicable provisions of Chapter 22.50 (Fire Safety), provisions of Chapter 22.10 relating to air quality, explosives storage, exterior lighting, flammable and combustible liquids storage, noise, vibration, and water quality, and provisions of Chapter 22.14 relating to Airport Review, Flood Hazard and Geologic Study Areas.

   b. The building or structure shall conform with all applicable provisions of Title 19 of this Code and the Uniform Building Code regarding the location of buildings on property and the fire resistiveness of exterior walls, parapets and roofs.

   The Review Authority may also require through conditions of approval that the nonconforming building or structure be brought into compliance with any applicable provisions of this Code if they find that the correction is necessary to enable making the findings required for the approval of a Minor Use Permit or Conditional Use Permit by Sections 22.62.060, or to avoid other anticipated problems with the new proposed use.

C. Substitution of use. A use of land on a site with a nonconforming building or structure or nonconforming site development may be replaced with another use only as follows:

1. Substitution shall occur only when the new use is identified as an allowable use by Section 22.06.030 (Allowable Land Uses and Permit Requirements); and

2. The new use is established in compliance with the permit requirements and all other applicable provisions of this Title, except:

   a. Modifications or alterations to the building may occur as provided by Section 22.72.060.A; and

   b. Where the building or site does not conform with the parking standards of Chapter 22.18 (Parking and Loading Standards), substitution shall satisfy the provisions of Section 22.72.100 (Nonconforming Parking) instead of Chapter 22.18.

[Amended 1992, Ord. 2539] *[22.09.030]*

22.72.070 - Nonconforming Signs

The use of a legal nonconforming sign may be continued as follows, except as otherwise provided by Section 22.72.060.C (Substitution of Use):

A. Expansion - Free standing sign. A free-standing sign shall not be increased in area or lighting intensity; or moved from its location on the effective date of this Title or amendment to this Title which created a nonconformity, unless relocated in compliance with this Title.

B. Attached sign. A nonconforming sign affixed to a structure shall not be:

1. Increased in area;

2. Moved from its location on the effective date of this Title unless required by law or in compliance with this Title;

3. Be provided with increased or intensified lighting;

4. Changed to an advertisement for a business not occupying the premises or a product not sold on the premises.

C. Sign copy. The advertising copy on a nonconforming sign may be changed, except as provided by Subsections B., D. and E.

D. Discontinued use. If the use of a building or land associated with a nonconforming sign is discontinued, any signs except for an off-premise sign shall thereafter conform to Chapter 22.20 (Signs). Once a nonconforming off-premise sign is removed from a site, it shall not be reconstructed or replaced.

E. Public nuisance. Any nonconforming sign that is found to present a danger to the public or becomes unsightly because of disrepair or lack of proper maintenance may be declared a public nuisance by the Commission and abated as set forth in Chapter 22.74 (Enforcement).

F. Destroyed sign. Restoration of a destroyed or partially destroyed nonconforming sign is subject to Section 22.72.080 (Destroyed Structures and Signs).

[22.09.032]

22.72.080 - Destroyed Nonconforming Structures and Signs

The replacement of a destroyed nonconforming building, structure or sign shall occur only as allowed by this Section.

A. Replacement of destroyed non-residential structures.

1. If a nonconforming structure, a structure that constitutes a nonconforming land use (Section 22.72.050) or a nonconforming sign is destroyed or partially destroyed to the extent of 75 percent or more of the replacement cost (as determined by the County Fee Ordinance) of the total structure before destruction by fire, explosion or act of God, the destroyed use, structure or sign may be replaced or reconstructed only when the use, structure or sign and the site on which it was located are in conformity, or are brought into conformity with all applicable requirements of this Title.

2. If a nonconforming use, structure or sign is partially destroyed to less than 75 percent of its replacement cost, it may be restored to its former nonconforming status.

B. Replacement of destroyed dwellings. The replacement of a destroyed dwelling that was a nonconforming building or was located on a parcel with nonconforming site development is subject to the same requirements that are applied to non-residential structures by Subsection A. The replacement of a destroyed dwelling that was a nonconforming use of land is instead subject to the following requirements.

1. Permit requirement: Minor Use Permit.

2. Required findings - Farm support quarters. A Minor Use Permit to allow the replacement and restoration of destroyed farm support quarters to their former nonconforming status shall be approved only where the applicable Review Authority can first find that.

a. The farm support quarters was being used for the housing of farm or ranch workers employed on the same site at the time of its destruction;

b. Agricultural operations on the site are the same as or are more intensive than the agricultural use that existed on the site at the time the farm support quarters were established;

c. The agricultural uses on the site are likely to remain in operation over the life of the farm support quarters; and

d. If the site is no longer designated by the Land Use Element as being in the Agriculture land use category, the replacement of the farm support quarters will not act to hinder the orderly development of areas surrounding the site with land uses allowed by the current non-agriculture land use category.

3. **Required findings - Other types of dwellings.** A Minor Use Permit to allow the replacement and restoration of destroyed dwellings (other than farm support quarters) to their former nonconforming status shall be approved only where the Review Authority can first find that.

   a. Replacement of the dwelling will not act to hinder the orderly development of areas surrounding the site with land uses allowed by the current nonresidential land use category;

   b. The site will not be needed for the types of land uses allowed by the current non-residential land use category during the life of the dwelling; and

   c. In the case of destroyed dwellings that were nonconforming because they exceeded the density currently allowed by this Title, replacement and restoration will only include the number of dwellings currently allowed.

4. **Timing of replacement.** A Minor Use Permit for a replacement dwelling in compliance with this Section shall not be approved unless the application was filed with the Department and accepted for processing in compliance with Section 22.60.050.A (Determination of Completeness) within six months from the date of the destruction of the original dwelling.

22.72.090 - Nonconforming Keeping of Animals

The keeping of types or numbers of animals not allowed by Section 22.30.090 (Animal Raising and Keeping) may be continued provided that.

A. The number of animals existing on the effective date of this Title or amendment which created a nonconformity shall not be increased except for new offspring of existing animals, which may be retained on-site until weaned, after which the new animals shall be removed.

B. Deceased animals, or animals that are relocated for more than 90 days shall not be replaced.

Though this Section provides for the keeping of animals that are not in conformity with this Title, the use may be declared a public nuisance and abated in compliance with Chapter 22.74 (Enforcement), where the use is found by the Board to be dangerous or to prevent the full use and enjoyment of neighboring properties.

[Amended 1992, Ord. 2553] *[22.09.034]*

22.72.100 - Nonconforming Parking

Where a site is nonconforming only as to off-street parking (Section 22.04.160 et seq. - Parking), a new or additional allowable use may be established on the site or an existing allowable use may be expanded only after the requirements of this Title for off-street parking have been met for both the existing structure and the expansion, except as follows.

A. Substitute uses. A use of land on a site with nonconforming parking may be replaced with a different use only as allowed by Section 22.72.060.C, and as follows.

1. Where a substitute use is required by Chapter 22.18 to provide the same number of parking spaces as the previous use, no additional parking is required.

2. Where a substitute use is required to have more spaces than the existing use, the number of spaces provided shall be the difference between those required for the new use and those required for the existing uses.

B. Expansion of existing use. An approved use may be expanded on a site with nonconforming parking only where the nonconformity is corrected, except in a central business district where the expansion may occur if parking is provided as required by Chapter 22.18 for the area of the expansion only.

[22.09.036]

22.72.110 - Nonconforming Lots of Record

A legal nonconforming lot may be used as provided by this Section.

A. Legal nonconforming lot defined. Any lot having an area less than the smallest minimum required or having a frontage, width, or depth less than the minimum prescribed by this Title or other ordinances, is a legal nonconforming lot if:

1. The lot is shown on a duly approved and recorded subdivision or parcel map; or

2. The lot was created by means which were consistent with applicable legal requirements at the time the lot was created; or

3. Verified by a Certificate of Compliance issued in compliance with Government Code Section 66499.35.

B. Use of nonconforming lots. A legal nonconforming lot may be used as follows.

1. A legal nonconforming lot may be used for any use identified as allowable in the applicable land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements), subject to Section 22.10.110 (Minimum Site Area) and Section 22.10.100 (Lot Consolidation) except where otherwise provided by a planning area standard (Article 9).

2. Any group of nonconforming lots may be redivided, provided that.

   a. The division is in accordance with all applicable requirements of Title 21 of this Code;

   b. No parcel is less than the minimum area required by Section 22.10.100 (Lot Consolidation).

[Amended 1987, Ord. 2313] *[22.09.060]*

CHAPTER 22.74 - ENFORCEMENT

Sections:

22.74.010 - Purpose
22.74.020 - Enforcement Administration
22.74.040 - Penalties
22.74.050 - Interference Prohibited
22.74.060 - Enforcement Hearings
22.74.070 - Notices - Service and Release
22.74.080 - Recovery of costs
22.74.090 - Additional processing fees
22.74.100 - Enforcement Procedures
22.74.105 - Initial Enforcement Action
22.74.110 - Abandoned Vehicle Abatement
22.74.120 - Citation
22.74.130 - Forfeiture of Bonds
22.74.140 - Injunction
22.74.150 - Nuisance Abatement
22.74.160 - Permit Revocation

22.74.010 - Purpose of Chapter

This Chapter establishes procedures for enforcement of the provisions of this Title and the provisions of Title 19 of this Code. The enforcement procedures of this Chapter are intended to support timely correction of nuisances and violations of the provisions of this, Title while assuring due process of law in the abatement or correction of nuisances and violations. *[22.10.010]*

22.74.020 - Enforcement Administration

It shall be the duty of the San Luis Obispo County Sheriff, the Director, the Chief Building Official and the employees of the Department designated by the Director as Code Enforcement Officers to enforce the provisions of this Title. A Code Enforcement Officer has the following responsibilities and authorities in the enforcement and administration of the provisions of this Title.

A. To review with affected individuals the provisions of this Title through initiation of administrative hearings and other methods to support voluntary compliance with its provisions.

B. To issue citations for violations of this Title, and for violations of Titles 6 and 19 of this Code and to issue stop work orders in compliance with Title 19 of this Code.

C. To initiate all necessary proceedings to forfeit bond or cash deposits.

D. To initiate proceedings to revoke land use permits and other entitlements granted under this Title.

E. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this Title.

F. To work with the Building Official in administering substandard building abatement programs

G. To administer abandoned vehicle abatement programs in compliance with Chapter 8.24 of the County Code.

H. To carry out any other special enforcement programs initiated by order or resolution of the Board, and any other responsibilities and authorities specified by this Chapter or this Code.

[22.10.020]

22.74.040 - Penalties

A. Unless a different penalty is prescribed for violation of a specific provision of this Title, any person violating any of the provisions or failing to comply with the requirements of this Title is guilty of a misdemeanor, provided, however, that the offense shall be an infraction in the following events.

   1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;

   2. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

B. Each separate day on which a violation of this Title exists shall constitute a separate offense.

C. Any person convicted of a misdemeanor under this Title shall be punished by imprisonment in the County jail for a period not exceeding six months, or by a fine not exceeding $1,000, or by both.

D. Any person convicted of an infraction under this Title shall be punished by a fine not exceeding $100 for the first violation; by a fine not exceeding $200 for a second violation of the same ordinance within one year; and by a fine not exceeding $500 for each additional violation of the same ordinance committed by that person within one year.

E. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

[Amended 1989, Ord. 2417] *[22.10.022]*

22.74.050 - Interference Prohibited

No person shall obstruct, impede or interfere with the Code Enforcement Officer or any other county employee, contractor or other authorized representative in the performance of code enforcement and nuisance abatement duties in compliance with this Title or other titles of this Code. *[22.10.024]*

22.74.060 - Enforcement Hearings

Hearings conducted for the purposes of permit revocation, nuisance abatement, or appeals on the forfeiture of bonds, shall be conducted as follows.

A. Review authority. An enforcement hearing shall be conducted by the Review Authority assigned to the specific enforcement procedure by Sections 22.74.100 et seq.

B. Conduct of hearing. The appropriate Review Authority shall conduct an Enforcement Hearing as follows.

1. The Review Authority will hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approval or conditional approval, to forfeit bond, or to abate a nuisance.

2. Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, and cross-examine witnesses.

3. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.

4. The Review Authority will deliberate upon the evidence and shall make findings upon the evidence to support any action of the Review Authority to revoke approval or conditional approval, abate a nuisance, or deny an appeal on the forfeiture of a bond. Thereafter the Review Authority shall issue its order to the respondent.

[22.10.030]

22.74.070 - Notices - Service and Release

A. Service of notice. Any notice required in compliance with this Chapter shall be served by the Code Enforcement Officer as follows, except where this Chapter provides otherwise.

1. A copy of the notice shall be either served personally or by mail, postage prepaid, certified, return receipt requested, to.

a. The owner of the affected premises as shown on the last equalized assessment role. If no address can be found or is known to the Code Enforcement Officer, then the notice shall be mailed to the person at the address of the premises affected by the proceedings.

b. Any lessees of record of the real property;

c. The record owner of any affected recreational vehicle, mobile home or other vehicle and any holders of security interest(s) in the recreational vehicles, mobile homes or other vehicles;

d. Any holder of a mortgage, deed of trust, lien or encumbrance of record on the real property; and

e. Any person in real or apparent charge or control of the affected property, mobilehome, recreational vehicle or other vehicles.

The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder.

2. A copy of the notice shall be prominently and conspicuously placed upon the premises affected by the enforcement proceedings.

3. A copy of the notice shall be recorded in the office of the County recorder of San Luis Obispo County, except for a notice for a revocation of a bond or performance guarantee.

B. Release of Notice. Where a notice has been served in compliance with this Section and a Review Authority has not determined that sufficient grounds exist for nuisance abatement, or where the owner of an affected premises has corrected the condition which was the basis for initiation of enforcement action, the Code Enforcement Officer shall record a Satisfaction Release and Removal of Notice of Nuisance or Notice of Nuisance Abatement.

[22.10.040]

22.74.080 - Recovery of costs

This Section establishes procedures for the recovery of administrative costs incurred by the County in the enforcement process, for the abatement of conditions defined as a nuisance by Section 22.74.150.A, in cases where no permit is required in compliance with the provisions of this Title or Title 19 of this Code to abate the nuisance. These procedures are used where a nuisance is abated in advance of initiation of the procedures specified by 22.74.150.E.

A. Definition of costs. For the purposes of this Chapter, costs shall mean administrative costs, including staff time expended and reasonably related to nuisance abatement cases where no permit is required, for items including but not limited to investigation, site inspection and monitoring, reports, telephone contacts, correspondence and meetings with affected parties.

B. Cost accounting and recovery required. The enforcement officer shall maintain records of all administrative costs incurred by responsible county departments associated with the enforcement process in compliance with this Chapter and shall recover the costs from the property owner as provided by this Section. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board.

C. Notice of cost recovery requirements. The enforcement officer shall include in the notice of violation required by Section 22.74.100.A, a statement of the intent of the County to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing if he or she objects to the charges. The notice shall state that the property owner will receive at the conclusion of the enforcement case a summary of administrative costs associated with the processing of the enforcement case at the hourly rate in effect at the time the case is initiated. The notice shall state that the property owner will have the right to object to the charges by filing a request for hearing with the Director within 14 days of service of the summary of charges, in compliance with Subsection D.

D. Summary of costs. At the conclusion of the enforcement case, the Director shall send a summary of costs associated with enforcement to the property owner by certified mail. The summary shall include a notice which states that if the owner objects to the charges, a request for hearing must be filed as provided by Subsection f., and that if no hearing is requested, the owner's right to object will be waived and he or she will be fully liable for the charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County.

E. Hearing on objection to charges. Any property owner who receives a summary of costs in compliance with Subsection D. shall have the right to a hearing before the Director on his or her objections to the proposed costs, as follows.

1. **Request for hearing.** A request for hearing shall be filed with the Department within 14 days of the service by mail of the summary of costs, in the form of a letter setting forth the nature of the property owner's objections to the costs.

2. **Scheduling of hearing.** Within 30 days of the filing of the request for hearing, and on 14 days written notice to the owner, the Director shall hold a hearing on the owner's objections and determine the validity thereof.

3. **Decision by Director.** In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to. whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.

4. **Appeal.** The decision of the Director may be appealed to the Board in compliance with Section 22.70.050.

F. Collection of charges. In the event that no request for hearing is filed in compliance with Subsection e. or after a hearing the Director affirms the validity of the costs, the property owner shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. The costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the country. *[22.10.050]*

22.74.090 - Additional processing fees

Any person who erects, constructs, alters, enlarges, moves or maintains any building or structure, or establishes a use of land for which a permit is required by this Title or Title 19 of this Code without first having obtained a permit shall, if subsequently granted a permit for that building, structure or use, or any related building, structure or use on the site, first pay the additional permit processing fees as established from time to time by the County fee ordinance. *[22.10.052]*

22.74.100 - Enforcement Procedures

The Code Enforcement Officer is hereby empowered to use any of the procedures described by this Chapter where appropriate to correct violations of, and secure compliance with, the provisions of this Title. *[22.10.100]*

22.74.105 - Initial Enforcement Action

The Code Enforcement Officer shall employ the procedures of this Section in the initiation of enforcement action where he or she has determined that real property is being used or maintained in violation of the provisions of this Title or Title 19 of this Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations of this Code, so that the other enforcement measures provided by this Chapter may be avoided where prompt correction occurs.

A. Notice to responsible parties. The Code Enforcement Officer shall provide the record owner of the subject site and any person having possession or control of the site with a written Notice of Violation, including the following information.

1. Explanation of the nature of the violations and any actions which the property owner must take to correct the violations;

2. The time limit for correction of the violation in compliance with Subsection B.;

3. A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 22.74.150.A, in compliance with Section 22.74.080;

4. A statement that the property owner may request and be provided a meeting with the Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations.

B. Time limit for correction. The Notice of Violation in compliance with Subsection A. shall state that the violation must be corrected within 30 days from the date of the notice to avoid further enforcement action by the County, unless the responsible party contacts the Code Enforcement Officer within that time to arrange for a longer period for correction. The 30-day time limit may be extended at the discretion of the enforcement officer where he or she determines it is likely that the responsible party will correct the violation within a reasonable time. The notice may also state the requirement by the enforcement officer that correction shall occur within less than 30 days if the enforcement officer determines that the violation constitutes a hazard to health or safety.

C. Use of other enforcement procedures. The enforcement procedures of Sections 22.74.105 through 22.74.160 may be employed by the Code Enforcement Officer after or instead of the provisions of this Section in any case where the Code Enforcement Officer determines that the provisions of this Section would be ineffective in securing the correction of the violation within a reasonable time.

D. Acknowledgement of correction. When a violation of this Code is determined by the enforcement officer to have been corrected and any cost recovery required in compliance with Section 22.74.080 has been completed, the enforcement officer shall provide the property owner with a letter acknowledging that correction has occurred and that the County enforcement case has been closed.

[22.10.105]

22.74.110 - Abandoned Vehicle Abatement

The Code Enforcement Officer shall employ the procedures set forth in the California Vehicle Code and Chapter 8.24 of this Code to remove abandoned and/or inoperable vehicles from private property and secure their proper disposal. Abandoned vehicles located within public road rights-of-way may be removed only by the County Sheriff or California Highway Patrol. *[22.10.110]*

22.74.120 - Citation

The Code Enforcement Officer is hereby authorized by the San Luis Obispo County Board to issue a citation to any person who violates any of the provisions of this Title. Issuance of a citation shall be in compliance with Chapter 1.08 of this Code (Citations). Penalties for violation are established by Section 22.74.040 (Penalties). *[22.10.120]*

22.74.130 - Forfeiture of Bonds

The Code Enforcement Officer may initiate procedures to forfeit all or a portion of a bond or cash deposit (Section 22.64.040 - Guarantees of Performance). *[22.10.130]*

22.74.140 - Injunction

The Code Enforcement Officer may work with County Counsel to secure injunctive relief to terminate a violation of the provisions of this Title. *[22.10.140]*

22.74.150 - Nuisance Abatement

The Code Enforcement Officer may employ the provisions of this Section to secure the abatement of nuisances, as defined by this Section.

A. Nuisance defined. Except as otherwise provided by this Section, a nuisance is any of the following:

1. Any condition declared by a statute of the state of California or ordinance by San Luis Obispo County to be a nuisance;

2. Any public nuisance known at common law or equity;

3. Any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and

4. Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this Title, or Titles 6, 8, or 19 of this Code.

B. Preexisting Agricultural Uses Not a Nuisance.

1. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

2. Subsection B.1 shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

3. This Section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code of the State of California, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.

4. For purposes of this Section, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

C. Notice of Nuisance. Upon the determination by the Code Enforcement Officer that a nuisance exists, a Notice of Nuisance may be prepared, with copies thereof to be served as provided by Section 22.74.070.A (Service of Notice). The Notice of Nuisance shall include the following information.

1. A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.

2. A description of the condition causing the nuisance. Where the Code Enforcement Officer has determined that the condition causing the nuisance can be corrected or abated by repair or corrective action, the notice is to state the repairs or corrective actions that will be required, and the time limit within which the nuisance must be corrected.

3. An order to complete abatement of the nuisance within 30 days.

4. A statement that if the nuisance is not corrected as specified, a hearing will be held before the Board to consider whether to order abatement of the nuisance and levy a special assessment, which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes in compliance with Section 25845 of the Government Code. Special assessments are subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.

5. A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 22.74.150.A, in compliance with Section 22.74.080.

6. Where the Code Enforcement Officer has determined that the condition causing the nuisance is imminently dangerous to life or limb, or to public health or safety, the notice may include an order that the affected property, building or structure be vacated, pending correction or abatement of the conditions causing the nuisance.

D. Notice of Nuisance Abatement. If, upon the expiration of the period specified in the Notice of Nuisance, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been prosecuted with due diligence nor completed within the time specified, the Code Enforcement Officer shall prepare a Notice of Nuisance Abatement, and serve notice as provided by Section 22.74.070.A (Service of Notice). The Notice of Nuisance Abatement shall contain:

1. A heading, "Notice of Nuisance Abatement;"

2. A notice to appear before the Board at a stated time and place not less than 10 nor more than 30 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the Code Enforcement Officer; and

3. The information specified in Subsection C.

E. Abatement proceedings. When a Notice of Nuisance Abatement has been prepared and served in compliance with Subsection D., nuisance abatement shall proceed as follows.

1. Hearing. A decision to abate a nuisance shall be at the discretion of the Board, after a hearing conducted in compliance with Section 22.74.060 (Enforcement Hearings).

2. Order by Review Authority. Upon the conclusion of the hearing, the Board may terminate the abatement proceedings or it may order.

a. That the owner or other affected person shall abate the nuisance, prescribing a reasonable time (not less than 30 days) for completion of abatement.

b. That a request for additional time to complete abatement by a person subject to an abatement order shall be granted only if the affected person guarantees abatement within the time to be granted by submitting a bond or other guarantee in compliance with Section 22.64.040.

c. That, in the event abatement is not commenced, conducted and completed in accordance with the terms set by the Board, the Code Enforcement Officer is empowered and authorized to abate the nuisance.

3. Service of Board order. The order of the Board shall be served as provided by Section 22.74.070.A (Service of Notice), except that the order need not be posted on the property or recorded in compliance with Section 22.74.070.A.3.

4. Commencement of time limits. The time limits set by the Board for completion of abatement or other required actions shall begin upon service of the notice, unless the order of the Board sets specific dates for completion of abatement.

5. **Compliance with Board order required.** It is unlawful and a violation of this Code for any person to fail to comply with the provisions of an order of the Board in compliance with this Section. The penalty for failure to comply with the order shall be as set forth in Section 22.74.040.

F. **Abatement penalties and costs.** Upon expiration of the time limits established by Subsection E.4, the Code Enforcement Officer shall acquire jurisdiction to abate the nuisance, and shall carry out the following as appropriate.

1. **Disposal of materials.** Any materials in or constituting any nuisance abated by the enforcement officer may be disposed of, or if directed by the Board where the materials are of substantial value, sold directly by the General Services Department or the Director in a manner approved by County Counsel, or sold in the same manner as surplus county personal property is sold.

2. **Account of costs and receipts and notice of assessment.** The enforcement officer 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 enforcement officer is to prepare a notice to be served as provided in Sections 22.74.080.A and B., specifying.

   a. The work done.

   b. An itemized account of the costs and receipts of performing the work.

   c. An address, legal description, or other description sufficient to identify the premises.

   d. 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.

   e. The time and place where the Code Enforcement Officer will submit the account to the Board for confirmation. The time and place specified shall be not less than 15 days after service of the notice.

   f. A statement that the Board will hear and consider objections and protests to the account and proposed assessment or refund.

3. **Hearing on account and proposed assessment.** At the time and place fixed in the notice, the Board will hear and consider the account and proposed assessment, together with objections and protests thereto, (Section 22.74.060 - Enforcement Hearings). At the conclusion of the hearing, the Board may make 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.

4. **Notice of lien.** Upon confirmation of an assessment by the Board, the Code Enforcement Officer shall notify the owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board, and advise them that they may pay the account in full within 30 days to the Department, to avoid the lien being recorded against the property. If the lien amount is not paid by the date stated in the letter, the Code Enforcement Officer shall prepare and have a notice of lien recorded in the office of the County Recorder. The notice shall contain:

   a. A legal description, address and/or other description sufficient to identify the premises.

   b. A description of the proceeding under which the special assessment was made, including the order of the Board confirming the assessment.

   c. The amount of the assessment.

   d. A claim of lien upon the described premises.

5. **Lien.** Upon the recordation of a notice of lien, the amount claimed shall constitute a lien upon the described premises, in compliance with Government Code Section 25845. The lien shall be at a parity with the liens of State and County taxes.

6. **Collection with ordinary taxes.** After recordation, the Notice of Lien shall 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 shall 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 are provided for ordinary county taxes; all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to the assessment.

[22.10.150]

22.74.160 - Permit Revocation

The Code Enforcement Officer may initiate proceedings to revoke the approval of any land use permit issued in compliance with this Title or the former zoning ordinance (Ordinance 603 and all amendments thereto) in any case where a use of land has been established or is conducted in a manner which violates or fails to observe the provisions of this Title or a condition of approval, as provided by this Section.

A. Notice of Pending Revocation. The Code Enforcement Officer shall notify the permittee of the intended revocation of the approval of a land use permit at least 10 days before a revocation hearing (Section 22.74.060 - Enforcement Hearings). The notice shall contain the following.

1. A heading reading, "Notice of Revocation Hearing".

2. The provisions and/or conditions violated and the means to correct the violation(s), if any.

3. The date and place of the revocation hearing.

B. Revocation hearing. Before any action is taken to revoke an approved land use permit, a hearing shall be conducted in compliance with Section 22.74.060 (Enforcement Hearings). If the land use permit to be revoked is a Development Plan, or Conditional Use Permit, the revocation hearing shall be conducted by the Commission. If revocation of a Zoning Clearance, Plot Plan, Site Plan Review, Site Plan, Minor Use Permit or Departmental Review is being considered, the hearing shall be conducted by the Director acting as Zoning Administrator, in compliance with Section 22.70.020.B.

C. Action to revoke. If after the revocation hearing the Review Authority finds that grounds for revocation have been established, the Review Authority may:

1. Allow the permittee additional time to correct the violation or non-compliance; or

2. Modify conditions of approval on the basis of evidence presented at the hearing; or

3. Revoke the approved land use permit and order the discontinuance or removal of the approved use within a time specified by the Review Authority.

In the absence of an appeal in compliance with Subsection D., revocation shall become effective 14 days after the action of the Review Authority. Upon the effective date of revocation, the Code Enforcement Officer shall initiate nuisance abatement proceedings by preparing and serving a Notice of Nuisance in compliance with Section 22.74.150, with the time limit for action by the permittee specified in the notice being that set by the Review Authority in the revocation order.

D. Appeal. The permittee may appeal the decision of the Review Authority, and these appeals shall be processed in compliance with Section 22.70.050. Upon appeal, revocation does not take effect until affirmed by the appeal Review Authority identified by Section 22.70.050. After the hearing, the appeal Review Authority may affirm, modify or reverse the decision to revoke the permit. In the absence of an appeal, revocation shall take effect 14 days after the decision of the Review Authority.

E. Use after revocation. When an approved land use permit has been revoked, no further development or use of the property authorized by the revoked entitlement shall be continued, except in compliance with approval of a new land use permit and any other authorizations or permits required by this Code.

[Chapter amended 1988, Ord. 2339, 2345] *[22.10.160]*

ARTICLE 8

Land Use Ordinance Definitions

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CHAPTER 22.80 - DEFINITIONS/GLOSSARY

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22.80.010 - Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of this Code, these definitions shall control for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of this Code, the Director shall determine the correct definition.

22.80.020 - Definitions Included by Reference

In addition to the definitions in this Chapter, the following are incorporated into this Chapter as though they were fully set forth here:

A. The definitions contained within the state of California "Policy and Guidelines for the Reclamation of Mined Lands," adopted by the Division of Mines and Geology in compliance with the California Administrative Code; and

B. The definitions of land use categories contained within Chapter 7 of Part I of the Land Use Element of the San Luis Obispo County General Plan, as amended.

If any definition in this Title conflicts with a definition included by reference, this Title shall control.

22.80.030 - Definitions of Land Uses, and Specialized Terms and Phrases

As used in this Title, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

A-Weighted Sound Level. The sound level in decibels as measured on a sound level meter using the A-weighting network (scale). The unit of measurement is referred to as dB. [Amended 1992, Ord. 2545]

Above Grade. Any elevation higher than the natural ground contour.

Accelerated Erosion. Rapid erosion caused by human induced alteration of the vegetation, land surface, topography or runoff patterns. Evidence of accelerated erosion is indicated by exposed soils, active gullies, rills, sediment deposits, or slope failures caused by human activities. [Added 1999, Ord. 2863]

Access. The means of vehicular entrance or exit to a site.

Access Driveway. A road to the site of a building or structure that is agriculturally exempt or for which a County building permit is required. [Added 1999, Ord. 2863]

Accessory Garage. See "Garage, Private."

Accessory Use. See "Use, Accessory."

Acre Foot. An engineering term used to denote a volume one surface acre in area and one foot in depth. [Added 1999, Ord. 2863]

Active Use Area. See "Use Area, Active."

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing." (SIC: 0723, 0724) (Amended 1995, Ord. 2740)

Agricultural Accessory Building. An uninhabited structure, designed and built to store farming animals, implements, supplies, or products (not including commercial greenhouses or buildings for agricultural processing activities), which is not used by the public.

Agricultural Accessory Structure (land use). An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural processing activities) that contains no residential use and is not open to the public. Also includes greenhouses engaged in agricultural research as the primary use. Agricultural Accessory Structures can also include but not be limited to wind and solar powered devices used for direct climate control, and water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site. Wind energy conversion machines for electric power generation are separately defined. Includes barns, grain elevators, silos, and other similar buildings and structures. [Amended 1989, Ord. 2411; 1995, Ord. 2740]

Agricultural Activity. An agricultural activity includes but is not limited to, cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities. The definition includes agricultural grading as described Chapter 22.52 (Grading and Drainage). [Added 1999, Ord. 2863]

Agricultural Products. Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting), and ornamental plant materials.

Agricultural Drainage Channels. Drainage channels to direct irrigation, natural drainage and tailwaters to and from agricultural fields. [Added 1999, Ord. 2863]

Agricultural Road. Access roads to fields, pastures or similar agricultural use. Does not include a road to an agriculturally exempt building or structure which requires a County construction permit. [Added 1999, Ord. 2863]

Agronomist. Someone who applies the various soil and plant sciences to soil management and the raising of crops. [Added 1999, Ord. 2863]

Air Contaminant. Any combination of smoke, charred paper, dust, soot, carbon, noxious acids, fumes, gases, or particulate matter.

Air Pollution Control District. The Air Pollution Control District of San Luis Obispo County as established by the California Health and Safety Code, Part 4, Division 26.

Airfields and Landing Strips (land use). Transportation uses including any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft operations and related facilities. Public airports may include aircraft sales and car rental establishments, eating and drinking places, hotels and motels, restaurants, cocktail lounges, gift shops, newsstands, beauty and barber shops, and other similar commercial uses serving the air-traveling public and airport employees. Also includes agricultural, personal, restricted and public uses landing strips, and heliports.

Airfields and Landing Strips. Any area of land or water used or intended for the landing and take-off of aircraft, and any accessory areas for airport buildings and other facilities. "Aircraft" includes helicopters, all fixed-wing airplanes and gliders (but not hang-gliders). Airfields and landing strips include:

a. **Agricultural or Personal Landing Strip.** A landing strip or heliport for agricultural crop dusting or personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.

b. **Restricted Use Airfield.** A landing strip or heliport with exclusive rights of use reserved to the owners or tenants of units within any cluster development, multi-family development, subdivision, industry, or institution, with nor more than 10 based aircraft; or an emergency heliport in conjunction with a hospital or public safety facility.

c. **Public Use Airfield.** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman's Information Manual or in the Pacific Airman's Guide and Chart Supplement.

Airport Transition and Turning Areas. See "Imaginary Surfaces."

Allowable Use. "See Use, Allowable."

Ambient Noise Level. The composite of noise from all sources excluding the alleged offensive noise. In this context, the ambient noise level is the normal or existing level of environmental noise at a given location for a specified time of the day or night. [Amended 1992, Ord. 2545]

Amusement Park. Establishments having amusement concessionaires and/or amusement devices, including theme entertainment parks, skating rinks, skateboard parks, permanent carnivals, vehicular amusement parks, and similar facilities.

Animal Facilities (land use). Intensive agricultural and other animal care or keeping establishments including: hog ranches, dairies, dairy and beef cattle feedlots (the distinction between a grazing operation and a feedlot is established by Article 4 (Standards for Specific Land Uses) and by the definition of "Animal Keeping"); livestock auction, sales building and sales lot facilities; chicken, turkey and other poultry ranches; riding academies, equestrian exhibition facilities and large scale horse ranches; veterinary medical facilities and service, animal hospitals and kennels; zoos. See also "Animal Keeping," "Crop Production and Grazing."

Animal Keeping (land use). The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties such as rabbit farms and other fur-bearing animals; bee farms; aviaries; worm farms; household pets, etc. This definition does not include grazing, which involves the keeping of grazing animals at densities less than two animals per acre, and is instead included under the definition of "Crop Production and Grazing." See also "Animal Facilities."

Anti-Drain Valve or Check Valve. A valve located under a sprinkler head to hold water in the landscape irrigation system so it minimizes drainage from the lower elevation sprinkler heads. [Added 1993, Ord. 2648]

Apparel Products (land use). Manufacturing establishments, known as the cutting-up and needle trades, producing clothing and fabricating products by cutting and sewing purchased woven or knit textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Included in the apparel industries are three types of establishments: (1) "regular" or inside factories; (2) contract factories; and (3) apparel jobbers. Regular factories perform all of the usual manufacturing functions within their own plant; the contract factories manufacture apparel from materials owned by others; and apparel jobbers perform the entrepreneurial functions of a manufacturing company, such as buying raw materials, designing and preparing samples, arranging for the manufacture of the garments from their materials and selling of the finished apparel. Also includes leather and leather products, tanning and finished products. Custom tailors and dressmakers not operating as a factory are not included. (SIC: Group 23)

Applicant. A person, partnership, corporation or public agency applying for a County permit.

Application Filing. The act of the Department of Planning and Building receiving a completed application form for any permit established by this Title submitted to the Department of Planning and Building, together with any supporting information and the requisite filing fee.

Application Rate. The amount of landscape irrigation water applied to a given area, usually measured in gallons per hour. [Added 1993, Ord. 2648]

Applied Water. The portion of water supplied by the irrigation system to the landscape. [Added 1993, Ord. 2648]

Approach Area. An area extending outward from each end of the primary surface, longitudinally centered on the extended runway centerline. An approach area is applied to each runway based upon the type of approach available or planned for that runway. The inner edge of the approach area is the same width as the primary surface, and it is that land area defined by Federal Aviation Regulations, Part 77.25 (Civil Airport Imaginary Surfaces), as it exists on the effective date of this Title, or as it may be amended from time to time. (See also "Imaginary Surfaces").

Approach Surface. See "Imaginary Surface."

Approval Body. See "Review Authority". [Added 1992, Ord. 2553]

Approved. Reviewed and found to be in substantial compliance with requirements of this Title and any applicable uniform codes. [Added 1999, Ord. 2863]

Approved Land Use. See "Use, Approved."

Archaeological Resource. Any Native American or Pre-Columbian artifact or human remains.

Architect. Professional architect holding a valid registration and license from the State of California to practice architecture. [Added 1999, Ord. 2863]

Arterial. As defined in Chapter 6, Part I of the Land Use Element and shown on the LUE official maps as an existing or proposed arterial.

As-Graded. The condition and contour of the ground surface existing upon completion of grading. The location, description and elevations of surface and subsurface drainage facilities. [Amended 1999, Ord. 2863]

Auto, Mobile Home and Vehicle Dealers and Supplies (land use). Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet-skis (except bicycles and mopeds, which are included under "General Merchandise"). Such dealerships include any sales of vehicles by an individual when more than six vehicles are sold in one calendar year. Also includes establishments selling new automobile parts, tires and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Does not include establishments dealing exclusively in used parts, which are included under "Recycling and Scrap." Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include "Service Stations," which are separately defined. (SIC: Group 55)

Auto and Vehicle Repair and Services (land use). Commercial Service establishments engaged in repair, alteration, restoration, towing, painting, cleaning or finishing of automobiles, trucks, recreational; vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. May also include rental of cars, trucks or trailers; leasing of cars and trucks, except finance (equity) leasing which is included under "Financial Services." Does not include: automobile parking (classified in "Transportation"); repair shops subordinate to and maintained by a vehicle dealership which are included under "Auto, Mobile Home and Vehicle Dealers and Supplies"; service stations (which are separately defined); or automobile wrecking yards (which are included under "Recycling and Scrap"). (SIC: Groups 751, 753, 754)

Automobile Service Stations and Gas Stations (land use). Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales. May also include accessory towing, mechanical repair services and trailer rental, but does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work. Does not include the retail sale of gasoline as a subordinate service to food and beverage retail sales when limited to not more than two pumps. (SIC: Group 554)

Automatic controller. A mechanical or solid state timer for an irrigation system, capable of operating valve stations to set the days and length of time of a water application. [Added 1993, Ord. 2648]

B. Definitions, "B."

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system. [Added 1993, Ord. 2648]

Bars and Night Clubs (land use). Establishments selling alcoholic beverages for on-site consumption, including facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as a drinking place. Drinking places operated as subordinate service facilities within restaurants are instead included under the definition of "Restaurants."

Base Flood. The flood having a one percent chance of being equaled or exceeded in any giver year. Equivalent to a 100-year flood. [Added 1986, Ord. 2250]

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

Bench Drain. Lined or unlined channel that conveys surface waters from slopes to a safe disposal point. [Added 1999, Ord. 2863]

Billboard. See "Sign, Off-Premise."

Board, or 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.

Breakaway Walls. Any type of walls, whether solid or lattice, which is not part of the structural support of the building and which is so designed as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions: (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and (2) the elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood. [Added 1986, Ord. 2250; Amended 2004, Ord. 3024]

Broadcast Studios (land use). Commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and motion picture studios, with facilities entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors and antennas are included under the definition for "Pipelines and Transmission Lines." (Amended 1995, Ord. 2740)

Buildable Area (Developable Area). The area of the site in which structures may be located, not including required yard areas (See Figure 80-6, "Setbacks").

Building. Any structure having a roof supported by columns and/or walls and intended for shelter, housing, and/or enclosure of any person, animal or chattel, but not including tents. [Amended 1982, Ord. 2091]

Building, Accessory. A detached subordinate building, the use of which is incidental to that of a main building on the same lot.

Building and Construction Ordinance. Title 19 of this Code.

Building Face. The exterior walls of a building extending vertically from the building line.

Building Height. The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the topmost point of the structure, excluding chimneys or vents. (See Figure 80-1).

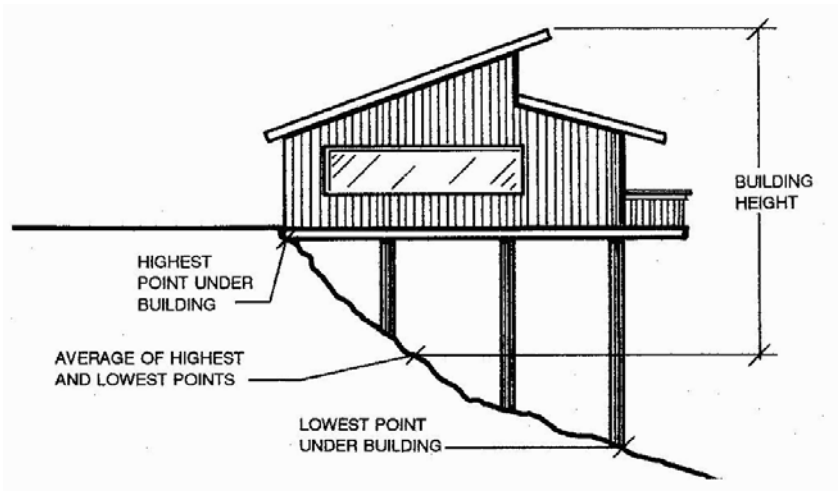

Figure 80-1- Building Height

Building Line. The line at which the exterior of a building intersects the finished grade of the building site, not necessarily the required yard setback line.

Building, Main or Principal. A building where the principal use of its lot and/or building site is conducted.

Building Materials and Hardware (land use). Retail trade establishments primarily engaged in selling lumber and other building materials including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Also includes incidental retail ready-mix concrete operations. Establishments primarily selling plumbing, heating, and air conditioning equipment and electrical supplies are classified in "Wholesaling and distribution" (SIC: Group 52).

Building Official. The Director of the Planning and Building Department of the County of San Luis Obispo or his/her duly designated deputy, as defined in the Building and Construction Ordinance, Title 19 of this Code. [Amended 1992, Ord. 2553]

Building Site. The area within a lot of record (or contiguous lots under single ownership) actually proposed for development with buildings or structures, including areas immediately adjacent to the buildings or structures to an extent equivalent to any required setback areas.

Business Support Services (land use). Service establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also including: outdoor advertising services; mail advertising services (reproduction and shipping); blueprinting, photocopying, photofinishing, commercial art and design (production); film processing laboratories; services to structures such as window cleaning, exterminators, janitorial services; heavy equipment and business equipment repair services including welding repair and armature rewinding and repair (except vehicle repair which is included under "Auto and Vehicle Repair and Service"; computer related services (rental, repair, and maintenance); research and development laboratories, including testing facilities; soils and materials testing laboratories; protective services (other than office related); equipment rental businesses that are entirely within buildings (equipment rental yards are included under "Storage Yards and Sales Lots"), including leasing tools, machinery and other business items except vehicles; trading stamp services; and other business services of a "heavy service" nature (SIC: Group 73)

C. Definitions, "C."

Caretaker Residence (land use). A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carport. A permanent roofed structure with not more than two enclosed sides, which is used or intended to be used for automobile shelter or storage.

Category. See "Land Use Category."

Cemeteries and Columbariums (land use). Interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery real estate operations; cemetery associations; cemetery, mausoleum and columbarium operations, including funeral parlors accessory to a cemetery or columbarium. Funeral parlors and related facilities as a principal use are listed under "Personal Services."

Central Business District. An area of concentrated retail trade identified by the Land Use Element for each urban area.

Certification. The statement of a licensed professional that, based upon the appropriate level of observation and testing, and in compliance with applicable principles of the professional's training, background and experience, the work in question has been completed and performed in conformity with the plans and specifications approved and the applicable provisions of this Title. [Added 1999, Ord. 2863]

Certification Program. In the event that the County adopts a certification program for grading contractors, requirements shall be as established by the Board. [Added 1999, Ord. 2863]

Channel. The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

Chemical Products Manufacturing (land use). Manufacturing establishments producing basic chemicals and establishments creating products predominantly by chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses incurred in the Retail Trade Group on Table O. (SIC: Group 28, 5161)

Church. See "Religious Facilities."

Clearing. The removal of vegetation, structures or other objects. [Added 1999, Ord. 2863]

Clubs, Lodges, and Private Meeting Halls (land use). Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; grange and farm centers (not including sales activities, which are included under "Farm Equipment and Supplies"); civic, social and fraternal organizations (not including lodging, which is under "Organizational Houses"); political organizations and other membership organizations. Does not include country clubs in conjunction with golf courses, which are included under "Outdoor Sports and Recreation." (SIC: Group 86, except religious organizations which are defined under "Churches.") [Amended 1995, Ord. 2740]

Coastal High Hazard. The area subject to high velocity waters including but not limited to coastal and tidal inundation or tsunami.

Collector Street. As defined in Chapter 6, Part I of the Land Use Element, and shown on the LUE official maps as an existing or proposed collector.

Combining Designations. Areas identified by the Land Use Element for which special design and permit requirements are established by Chapter 22.14 (Combining Designations).

Combustible Liquid. Any liquid having a flash point at or above 100o F and below 200o F, including but not limited to diesel fuel, kerosene and Jet A.

Commercial Category. Includes either or both of the Commercial Retail or Commercial Service land use categories as defined by the Land Use Element.

Commercial Coach. A vehicle, with or without motive power, including any mobile home or recreational vehicle, designed and equipped for human occupancy for industrial, professional, or commercial purposes.

Commercial Use. See "Use, Commercial Retail," and "Use, Commercial Service."

Common Wall Development. Two residences on adjoining lots, constructed so that they abut each other at their common property line (See Figure 80-2).

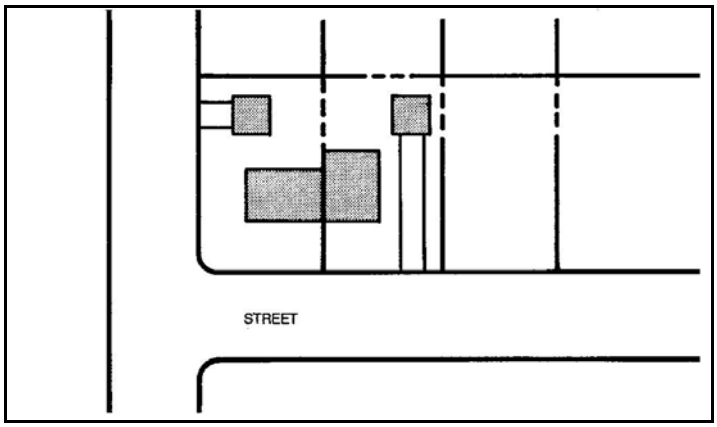

Figure 80-2 - Common Wall Development

Commission. See "Planning Commission."

Communication Towers. Any tower or other structure erected for the purpose of radio, television or microwave transmission or line-of-sight relay devices.

Communications Facilities (land use). Public, commercial and private electromagnetic and photoelectrical transmission, repeater and receiving stations for radio, television, telegraph, telephone, data network and other microwave applications; includes earth stations for satellite-based communications. Does not include home broadcasting and receiving antennas, which are included under "Residential Accessory Uses," or telephone, telegraph and cable television transmission facilities utilizing direct connections which are instead included under "Pipelines and Transmission Lines." (See also "Broadcasting Studios.")

Community Sewer System. A sewage effluent collection network, treatment and disposal facilities provided within a prescribed service boundary, which results in the primary, secondary, or tertiary treatment of such effluent.

Community Water System. A water storage and distribution network for the provision of potable water to the public for human consumption, within a prescribed service boundary, operated and maintained by a public agency, or private company approved by the Board of Supervisors. The system must comply with the provisions of the California Safe Drinking Water Act and all applicable laws and standards relating to domestic water supply.

Compaction. The densification of a fill by mechanical, hydraulic, or other approved means. [Added 1999, Ord. 2863]

Concrete, Gypsum, and Plaster Products (land use). Manufacturing establishments producing concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet or an equipment rental yard is defined under "Building Materials and Hardware" when in conjunction with a building materials outlet and under "Storage Yards and Sales Lots" when in conjunction with an equipment rental yard (SIC: Groups 326, 327).

Conditional Approval. The approval of a Development Plan or variance application subject to conditions adopted by the Planning Commission as part of the action to approve the application.

Conical Surface. See "Imaginary Surfaces."

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of rights-of-way, structures, utilities or similar property.

Construction Contractors (land use). Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices. An outdoor storage yard in conjunction with a contract construction service is also defined under "Storage Yards and Sales Lots" or "Temporary Construction Yards." (SIC: Groups 15, 16, 17)

Construction Permit. Any or all of the various entitlements established by Title 19 of this Code that authorize commencement of construction activities, including but not limited to building permits, grading permits, electrical and plumbing permits, demolition permits and moving permits.

Consumer Repair Services (land use). See "Repair Services - Consumer Products."

Contiguous. Adjacent and having a common parcel boundary for at least 25 feet.

Continuous. At all times throughout the day (24 hours) while work is in progress. [Added 1999, Ord. 2863]

Contour. A line of common elevation. [Added 1999, Ord. 2863]

Corner Lot. See "Lot, Corner."

Correctional Institutions (land use). Institutions for confinement and correction of offenders sentenced by a court. Halfway houses and homes for delinquents, or other facilities not under court order, are classified in "Residential Care." (SIC: Group 9223) (Amended 1995, Ord. 2740)

County. The County of San Luis Obispo, including the county Board of Supervisors.

County Airports Manager. Designated employee of the General Services Department of San Luis Obispo County, as established by Title 24 of this Code.

County Counsel. The County Counsel of San Luis Obispo County as established by Chapter 2.06 of Title 2.

County Fire Department. The State Department of Forestry, San Luis Obispo Ranger District Office.

County Health Officer (Director of Environmental Health). As used in this Title, the Director of Environmental Health in the Department of Public Health of San Luis Obispo County.

Coverage. Site or lot coverage means the extent of a lot of record occupied by structures and paving.

Creek. (See watercourse). [Added 1999, Ord. 2863]

Crop Production. Encompasses the following overall crop types and activities (included in the Land Use Element under the definition of "Crop Production and Grazing"), and further defined as indicated:

a. **Specialty Crops.** Strawberries, herb crops, flower seed and cut flower crops (open field), kiwi vines, edible pod peas, bushberry crops, Christmas trees and other outdoor ornamentals, intensive horticulture, sod farms, clover seed, hops, and wholesale nurseries (see separate definition).

b. **Row Crops.** All vegetable truck crops except edible pod peas. Includes lima and snap beans.

c. **Orchards.** All fruit and nut tree crops, does not include kiwi, berry, or other vine crops.

d. **Field Crops.** Beans other than snap or lima beans, barley, oats, safflower, wheat, grain and hay including alfalfa, silage and grain corn, sugar beets, melons, cotton.

e. **Rangeland.** Grazing of livestock on grasses without irrigation.

f. **Pasture.** (irrigated). Grazing of livestock on irrigated grasses.

g. **Vineyards.** Grapevines.

h. **Preparation For Cultivation.** Land-contouring, clearing, irrigation construction and other preparation of soil for crops.

i. **Field Processing.** Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include but are not limited to hay baling and field-crushing of grapes.

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Cultural Resources. (See Archaeological Resources and Historical Resources). [Added 1999, Ord. 2863]

Cut. (1) An excavation (2) The difference between a point on the original ground and a designated point of lower elevation on the final grade. (3) The material removed in excavation. [Added 1999, Ord. 2863]

D. Definitions, "D."

Dance Club or Nightclub. Establishment providing live or recorded music and an area for dancing, including disco. (Defined by the Land Use Element under "Amusements and Recreational Services").

Dance Studio or School. An establishment where instruction in the dance arts (ballet, modern dance or any other dance form) is provided students for a fee, except where instruction in predominantly social dance is provided on the premises of a dance club as defined by this Title. (Defined by the Land Use Element under "Schools - Business and Vocational").

Debris. A term applied to the loose material arising from the disintegration of rocks and vegetative material transportable by landslides, streams or floods. [Added 1999, Ord. 2863]

Decibel. A unit for measuring the amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals. [Added 1992, Ord. 2545]

Deck. An outdoor activity area consisting of a wood and/or concrete platform with an area greater than 100 square feet, is elevated at least 12 inches above the surrounding finish grade, and is unenclosed other than by a railing.

Density. The measure of the ratio of population to the area of land occupied by that population, which may be expressed as dwelling units per acre, families per acre, persons per acre, or conversely as acres per dwelling unit or square feet per dwelling unit. "Gross density" is the number of lots derived from dividing the area of a site by the area required for each lot or dwelling unit. "Net density" is the number of lots resulting from subtracting the area required for streets (in the case of a subdivision) from the total area of the undivided site, and then dividing the remaining area by the area required for each lot.

Department. The Department of Planning and Building.

Department of Planning and Building. The San Luis Obispo County Department of Planning and Building, including the Director of Planning and Building and all subordinate employees. [Amended 1992, Ord. 2553]

Development. Any activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of buildings or structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of this Title.

Development Value. For the purposes of the Transfer of Development Credit Program set forth in this ordinance, development value is as follows:

1. **Full development potential.** Where a property will be transferred in fee to a public agency or a non-profit organization, and all uses will be relinquished through the recordation of a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act, granted in perpetuity to a qualified public or private non-profit organization created for the purposes of protecting and managing resources, development value is the full value of the legal lot.

2. **Partial development potential.** Where a property will relinquish only a portion of the allowed uses through the recordation of a conservation easement or other instrument that qualifies under either the Open Space Easement Act or the Conservation Easement Act, granted in perpetuity to a qualified public or private non-profit organization created for the purposes of protecting and managing resources, development value is the difference between the full value of the legal lot and the restricted value of the legal lot. [Added 1996, Ord. 2776]

Dike. A berm of earth or other material constructed to confine or control surface water in an established drainage system. [Added 1999, Ord. 2863]

Director. The Director of Planning and Building of San Luis Obispo County with duties and responsibilities as set forth in Section 22.70.020 (Administrative Responsibility). As used in this Title, "Director" includes designated staff of the Department of Planning and Building when acting in an official capacity. [Amended 1992, Ord. 2553].

Director of Planning and Building. The Director of Planning and Building of San Luis Obispo County with duties and responsibilities as set forth in Section 22.70.020 (Administrative Responsibility). As used in this Title, "Director" includes designated staff of the Department of Planning and Building when acting in an official capacity. [Amended 1992, Ord. 2553]

Director of Public Works. The Director of Public Works and Transportation of San Luis Obispo County as established by Chapter 2.18 of Title 2. [Added 2004, Ord. 3024]

Directory Sign. See "Sign, Directory."

Discretionary Permit. An entitlement that may be issued under the provisions of this Title, but requires the exercise of judgement and the resolution of factual issues to determine if the application and requested entitlement conform with the provisions of this Title. Generally, a discretionary permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the Planning Commission after a hearing. (See "Ministerial Permit").

Distance - Measurement. For the purposes of this Title, distance measurements are determined as follows:

1. **Remoteness test.** When there is a minimum parcel size test that requires the measurement of distance from a parcel proposed for division to the nearest urban or village reserve line such distance shall be measured on the shortest public road route between the reserve line and the site. Private roads are to be included in such measurements only when they provide the only access to the site from a public road.

2. **Straight line.** When there is a requirement for measurement of a straight line distance between two points, such distance shall be measured as the shortest line between any point on a lot line of one parcel to any point on a lot line of the other parcel.

[Added 1996, Ord. 2776]

Diversion. A temporary or permanent structure consisting of a channel or ditch and a ridge constructed across a sloping land surface on the contour or with pre-determined grades to intercept and divert surface runoff before it gains sufficient volume and velocity to cause erosion. [Added 1999, Ord. 2863]

Domestic Reservoir Watershed. The watershed area surrounding each reservoir for domestic water supply as indicated on the official maps delineating these areas adopted in compliance with Section 19.24.013 of the Building and Construction Ordinance.

Double Frontage Lot. See "Lot, Double Frontage."

Drainage. The removal of excess surface water or groundwater from land by means of surface or subsurface drains. [Added 1999, Ord. 2863]

Drainage Basin. Drainage facility which is used as a terminal disposal facility or which is used to retard the flow and which has a downstream outlet. [Added 1999, Ord. 2863]

Drainage Facilities. Constructed improvements for the storage or conveyance of storm runoff in drainage channels, including sumps, channels, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits. See Chapter 22.52 (Grading and Drainage).

Drainage Pattern. The configuration or arrangement of streams within a drainage basin or other area. [Added 1999, Ord. 2863]

Drainage Way. Natural depression in the earth's surface such as swales, ravines, draws, and hollows in which surface waters collect as a result of rain, but at other times are destitute of water. [Added 1999, Ord. 2863]

Dredging. Mechanical alteration of the grade of bottom sediments in any body of water.

Drip Irrigation. A landscape irrigation method applying water in a controlled manner using irrigation emitters usually measured in gallons per hour. [Added 1993, Ord. 2648]

Drive-In Theaters (land use). Facilities for outdoor presentation of motion pictures for viewing from vehicles, which may include subordinate eating places. Secondary outdoor uses sometimes associated with drive-in theaters (such as swap meets) are classified under "Storage Yards and Sales Lots."

Driveway. A vehicular access from a road that serves no more than two structures, with no more than three dwelling units on a lot of record and any number of accessory structures. [Amended 1991, Ord. 2523].

Drop-Inlet Spillway. Inlet structure in which the water drops through a vertical riser connected to a discharge conduit. [Added 1999, Ord. 2863]

Drop Structure. A structure for dropping water to a lower level and dissipating its surplus energy; a fall. A drop may be vertical or inclined. [Added 1999, Ord. 2863]

Dude Ranch. Transient guest occupancy facilities incidental to a working ranch, which may include other accessory recreational facilities and common eating facilities open to overnight guests only.

Dwelling or Dwelling Unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family. [Amended 1991, Ord. 2523)

E. Definitions, "E."

Earth Material. A rock, natural soil and/or any combination thereof. [Added 1999, Ord. 2863]

Easement. A legal right to use or control the property of another for a designated purpose, which appears of record in favor of the owner of the easement. [Added 1999, Ord. 2863]

Eating and Drinking Places. See "Bars and Night Clubs," and "Restaurants."

Ecological Restoration Project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem. [Added 1993, Ord. 2648]

Electric Generating Plants (land use). Facilities engaged in the generation and distribution of electrical energy for sale. The electricity may be generated from oil, gas, coal or nuclear fuels or from "alternate" sources including but not limited to water, wind, the sun, bio-gas, municipal or agricultural wastes. This includes "cogeneration," which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. See also "Wind Energy Conversion System."

Electronics, Equipment, and Appliances (land use). Establishments engaged in manufacturing machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy, including: electrical transmission and distribution equipment such as transformers, switch gear and switchboard apparatus: electrical industrial apparatus such as motors and generators, industrial controls, electrical welding apparatus; household appliances such as cooking equipment, refrigerators, home and farm freezers, household laundry equipment, electric housewares and fans, vacuum cleaners, sewing machines; electrical lighting and wiring equipment such as electric lamps, wiring devices, lighting fixtures, vehicular lighting equipment; radio and television receiving equipment such as television and radio sets, phonograph records and pre-recorded magnetic tape, telephone and telegraph apparatus; electronic components and accessories such as radio and TV receiving type electron tubes, cathode ray TV tubes, semiconductors and related devices; miscellaneous electrical machinery, equipment and supplies such as storage and primary batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines. Also includes: manufacturing establishments producing instruments (including professional and scientific) for measurement, testing, analysis and control, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; watches and clocks; avionics; electronic instruments, components and equipment including but not limited to integrated circuits, semiconductors, calculators and computers. Does not include testing laboratories (research and development, soils and materials testing, etc.), which are defined under "Business Support Services." (SIC: Group 36 and 38)

Emitter. Drip irrigation fittings that delivers water slowly from the system to the soil. [Added 1993, Ord. 2648]

Energy Dissipater. A device used to reduce the excess energy of flowing water. [Added 1999, Ord. 2863]

Enforcement Officer. The Director of Planning and Building of San Luis Obispo County or employee designated by the Director as being responsible for the enforcement of this Title in compliance with Chapter 22.74 (Enforcement).

Engineered Grading. Grading designed under the direct supervision of a licensed registered civil engineer. [Added 1999, Ord. 2863]

Engineer, Civil. Professional engineer holding a valid registration and license from the State of California in civil engineering. [Added 1999, Ord. 2863]

Engineering Geologist. Individual holding a valid registered geologist license and a valid engineering geologist certification from the State of California. [Added 1999, Ord. 2863]

Engineering Geology. The application of geological data and principles to engineering problems dealing with naturally occurring earth material for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice. [Added 1999, Ord. 2863]

Engineer, Geotechnical. Professional engineer holding a valid registration and license to practice in geotechnical engineering by the State of California. [Added 1999, Ord. 2863]

Engineering, Soils. The application of soils mechanics in investigations and reports regarding stability of existing or proposed slopes, in the control of fill installation and compaction, in recommending soil bearing values, and in providing design criteria and calculations for earth structures, foundations, fills, subsurface drains and other engineering works. [Added 1999, Ord. 2863]

Entitlement. Authority acquired by an applicant after receiving approval of an application.

Entrance Drive. The main vehicle access between a public street and the first space in a parking lot.

Environmental Coordinator. The Environmental Coordinator of the County of San Luis Obispo.

Equivalent Sound Level (L_{eq}). The sound level containing the same total energy as a time varying signal over a given sample period.; L_{eq} is typically computed over 1, 8 and 24-hour sample periods. [Added 1992, Ord. 2545]

Erosion. The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep. [Added 1999, Ord. 2863]

Erosion and Sediment Control Plan. A plan which fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation which will effectively minimize soil erosion and sediment yield. [Added 1999, Ord. 2863]

Erosion and Sediment Control Specialist. A person who has been certified for having special training and experience in erosion and sedimentation by an organization recognized by the County as specializing in soil and water conservation. [Added 1999, Ord. 2863]

Evapotranspiration (ET^o). The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time. [Added 1993, Ord. 2648]

Excavation. Any activity by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting thereof. [Added 1999, Ord. 2863]

Existing Grade. See "Grade."

Exploration. The search for minerals by geological, geophysical, geochemical or other techniques including, but not limited to, sampling, assaying, drilling, or any surface or underground works used to determine the type, extent, or quantity of minerals present (includes prospecting).

Exterior-Illuminated Sign. See "Sign, Exterior - Illuminated."

Extraction. The removal from the earth of oil, gas or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

F. Definitions, "F."

Family. One person living alone or two or more persons related each to all others by blood, marriage or legal adoption, or a group of no more than five unrelated persons living in a single dwelling.

Family, Immediate. Relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings.

Farm Equipment and Supplies (land use). Establishments primarily engaged in sale, rental or repair of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment. Includes agricultural machinery (except the sale of trailers, tractors and other motorized, self-propelled farm vehicles, which are included under "Auto, Mobile Home and Vehicle Dealers and Supplies"), dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales; retail sales of prepackaged fertilizer and agricultural sprays. Sales may include the final assembly of farm machinery, implements or equipment from component parts received from the manufacturer in a partially assembled state, but not the creation of such components from raw materials.

Farm Support Quarters (land use). Includes residences, rooming and boarding houses and mess halls for farm workers employed on and near land owned by the owner of the building site on which the quarters are located. [Amended 1992, Ord. 2544]

Fault Trace. A line projected on the earth's surface to reflect the alignment of a geologic fault.

Fill. (1) A deposit of earth, sand, gravel, rock, or any other suitable material placed by artificial means; any act by which earth, sand, gravel, rock, or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefore. (2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane. [Amended 1999, Ord. 2863]

Financial Services (land use). Service establishments primarily engaged in the field of finance, including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. (SIC: Groups 60, 61, 62, 67)

Finish Grade. See "Grade."

Fire Hazard. The measure of the potential for range, brush and forest fires based upon the type of plant community, as defined and mapped by the Safety Element and expressed in the following table.

WILDLAND FIRE HAZARD FUEL POTENTIAL			
Very High	**High**	**Moderate**	
Chaparral	North Coastal Scrub	Riparian Woodland	Beach-Dune
	Foothill Woodland	North Coastal Grassland	Coastal Sand-Plains
	Juniper/Oak Woodland	Evergreen Forest	Saline Plains
		Interior Herbaceous	Coastal Salt Marsh
		Desert Scrub	Freshwater Marsh

[Amended 1988, Ord. 2367; 1999, Ord. 2880]

Fisheries and Game Preserves (land use). Resource extraction operations engaged in commercial fishing (including marine-related animals, mammals, etc), and the operation of fish hatcheries, fish and game preserves, and game propagation. (SIC: Group 09)

Flammable Liquid. Liquids with flash points below 100° F, including but not limited to gasoline, acetone, benzene, ethyl ether and ethyl alcohol.

Flash Point. The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitable mixture with the air near the surface of the liquid.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters and/or

b. The unusual and rapid accumulation of runoff of surface waters from any source.

[Added 1986, Ord. 2250]

Flood Boundary Floodway Map. The official Flood Boundary Floodway Map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway. [Added 1986, Ord. 2250; Amended 2004, Ord. 3024]

Flood Fringe. That portion of the flood plain outside the floodway.

Flood Insurance Rate Map (FIRM). The official Flood Insurance Rate Map on which the Federal Insurance Administration has delineated both the areas of special flood-hazards and the risk premium zones applicable to the community. [Added 1986, Ord. 2250]

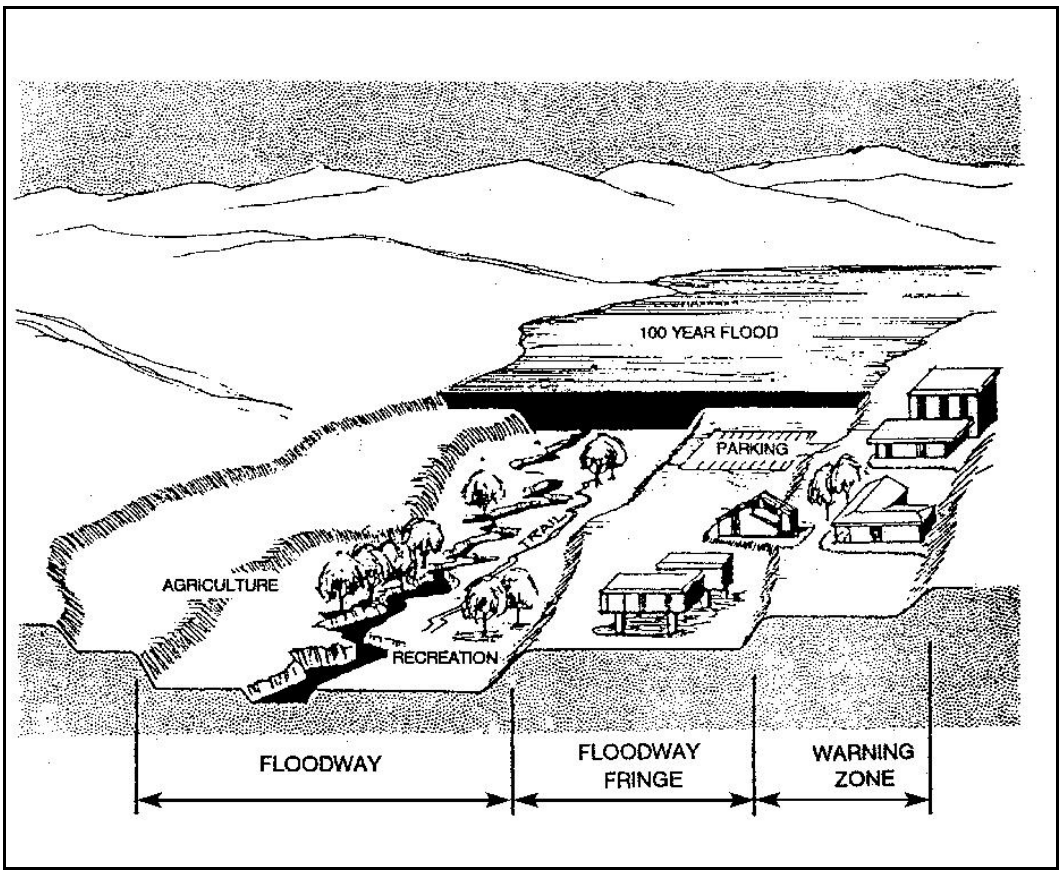

Figure 80-3 - Floodway and Flood Fringe

Flood Insurance Study. The report entitled "The Flood Insurance Study for San Luis Obispo County," dated July 18, 1985, provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map (FIRM), The Flood Boundary Floodway Map, and the water surface elevation of the base flood. [Added 1986, Ord. 2250]

Flood, 100-Year. See "Base Flood" [Amended 2004, Ord. 3024]

Flood Plain. Land that has been or may be hereafter covered by flood water, including but not limited to the 100-year flood.

Flood Profile, Storm. A graph or longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property. [Amended 1986, Ord. 2250]

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area. Includes the total floor area of each floor of all buildings on a site, including internal circulation, storage and equipment space, as measured from the outside faces of the exterior walls, including enclosed halls, lobbies, stairways, elevator shafts, enclosed porches and balconies. [Amended 1982, Ord. 2091]

Flow Rate. The rate at which water flows through pipes and valves (gallons per minute or cubic feet per second). [Added 1993, Ord. 2648]

Food and Beverage Products (land use). Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

bakery, sugar, and confectionery products
beverages and liquors (except wineries; see "Ag Processing")
bottled water production
canned and preserve fruit and vegetables and related processing
dairy products processing
fats and oil products, including rendering plants
grain mill products and by-products
ice plants
meat, poultry and seafood slaughtering, and curing, and by-product processing
miscellaneous food preparation from raw products

Operations on crops after harvest are included under "Ag Processing." (SIC: Group 20)

Forestry (land use). Establishments primarily engaged in operation of timber tracts, tree farms, forest nurseries, and related activities such as reforestation services; also the gathering of gums barks, sap, moss and other forest products; also includes logging camps and sawmills (except for mills producing finished lumber, which are included under Lumber and Wood Products). (SIC: Groups 08, 241)

Fowl or Poultry Ranches. The keeping or raising of more than 25 mature birds, including game fowl, chickens, or turkeys.

Freestanding Sign. See "Sign, Freestanding."

Freeway Identification Sign. See "Sign, Freeway Identification."

Front Lot Line. See "Property Line, Front." [Amended 1986, Ord. 2250]

Front Yard. See "Setback, Front."

Frontage. A property line of a lot that abuts a street. Primary frontage is indicated by the street for which the property is given a street number. Secondary frontage includes all other frontages.

Fuelbreak. A strip or block of land on which vegetation above ground has been modified to low volumes of fuel, where fires burning into it can be more readily controlled. The following rule of thumb should be used for clearance widths. one tractor blade width for grassy areas and a double tractor blade width for chaparral areas. [Added 1999, Ord. 2863]

Fuel Dealers (land use). Retail trade establishments primarily engaged in the sale to consumers of fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. (SIC: Group 598)

Fuel Modification Area. An area where the volume of flammable vegetation has been reduced by thinning and removal of dead material, on both sides of a driveway or road for a distance of ten feet on each side. The fuel modification area is to provide for reduced fire intensity and duration. [Added 1991, Ord. 2523]

Furniture and Fixtures Products (land use). Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops. (SIC: Group 25)

Furniture, Home Furnishings and Equipment (land use). Retail trade establishments primarily engaged in selling home furnishings such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, other household electrical and gas appliances including televisions and home sound systems and outdoor furniture such as lawn furniture, movable spas and hot tubs. Establishments selling electrical and gas appliances are included only if the major part of their sales consist of articles for home use. Also includes the retail sale of office furniture and large musical instruments. (SIC: Group 57)

G. Definitions, "G."

Garage. An entirely enclosed structure for the storage of vehicles.

Garage, Private. A building for storing self-propelled vehicles that is not open to the public, which may include an accessory workshop. (Defined under "Residential Accessory Uses" by the LUE).

Garage, Public. Any premises (except a private garage) used for the storage and/or care of self-propelled vehicles, or where such vehicles are equipped for sale or lease. (Included under "Vehicle Storage," as defined by the Land Use Element).

General Plan. The San Luis Obispo County General Plan, including all elements thereof and all amendments thereto, as adopted by the Board of Supervisors in compliance with Government Code Sections 65300 et seq.

General Retail (land use). Retail trade establishments including department stores, variety stores, drug and discount stores, general stores, etc., engaged in retail sales of many lines of new and used merchandise, including: dry goods; apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, musical instruments, arts and accessories, Also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florists and houseplant stores; cigar and newsstands; artists supplies; orthopedic supplies; religious goods handcrafted items (stores for which may include space for crafting operations when such area is subordinate to retail sales); and other miscellaneous retail shopping goods. (SIC: Groups 53, 56, 591-594)

Glass Products (land use). Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations, which are listed under "Small Scale Manufacturing." (SIC: Groups 321, 323)

Government Code Government Code of the State of California.

Grade. The vertical location of the ground surface, as follows:

a. **Existing or Natural Grade.** The contour of the ground surface before grading.

b. **Rough Grade.** The stage at which the grade approximately conforms to the approved plan.

c. **Finish Grade.** The final terrain contour of the site that conforms to the approved grading plan.

Grading. Any activity which involves the physical movement of earth material. This includes any excavating, filling, stockpiling, movement of material, compaction of soil, creation of borrow pits, or combination thereof, but does not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) operating in conformance with Chapter 22.36 (Surface Mining and Reclamation). [Amended 1999, Ord. 2863]

Greenhouse. See "Nursery."

Grocery Stores (land use). Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises, including wine tasting facilities which are not on the same site as the winery. Establishments (except for wine tasting facilities) may include no more than two gas pumps as an accessory use. (SIC: Groups 54, 592)

Gross Floor Area. See "Floor Area, Gross."

Gross Site Area. See "Site Area."

Groundwater. Subsurface water in a zone of saturation. [Added 1999, Ord. 2863]

Groundwater Recharge. Any of the approved methods that are designed to detain or slow surface water runoff so that percolation is enhanced. [Added 1999, Ord. 2863]

Guesthouse. Sleeping facilities detached from a principal residence, which may include a bathroom and other living space, but not kitchen facilities.

Gully. A channel or miniature valley cut by concentrated runoff but through which water commonly flows only during and immediately after heavy rains. [Added 1999, Ord. 2863]

H. Definitions, "H."

Habitat, Important. Habitat that is necessary for the success of those plants and animal species identified as candidate, rare, threatened or endangered, or habitat that is identified by the State. [Added 1999, Ord. 2863]

Health Care Services (land use). Service establishments primarily engaged in furnishing medical, mental health, surgical and other personal health services including: medical, dental and psychiatric offices (mental health-related services including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, or unlicensed individuals, are included under Offices); medical and dental laboratories; out-patient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Also includes hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. Nursing homes and similar long-term personal care facilities are classified in "Residential Care." (SIC: Group 80)

Health Department. The San Luis Obispo County Health Department.

Hearing Body. See "Review Authority." [Added 1992, Ord. 2553]

Height. See "Building Height." [Added 1986, Ord. 2250]

Heliports. Any area of land or water used or intended for the take-off and landing of helicopters.

Historical Resource. An important resource that is associated with an event or person of recognized significance in California or American history. [Added 1999, Ord. 2863]

Home Occupations (land use). The gainful employment of the occupant of a dwelling, with such employment activity being subordinate to the residential use of the property, and there is no display, no stock in trade, or commodity sold on the premises except as provided by Section 22.30.230 (Home Occupations), and no persons employed other than residents of the dwelling.

Horizontal Clear Area. The area beneath the horizontal surface.

Horizontal Surface. See "Imaginary Surfaces."

Hours of Operation. The time span within which a business is open to customers or clients entering the premises. [Added 1982, Ord. 2091]

Hydrozone. A portion of the landscape area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone. [Added 1993, Ord. 2648]

I. Definitions, "I."

Identification Sign. See "Sign, Identification."

Imaginary Surfaces. As defined by the U.S. Federal Aviation Administration, in their Federal Aviation Administration Regulations, Volume XI, Part 77, imaginary surfaces are continuous planes in three-dimensional space that describe regions of airspace above and adjacent to an airport where aircraft maneuvers may occur, and include approach surfaces, horizontal surfaces, primary surfaces, and transitional surfaces.

Immediate Family. See "Family, Immediate."

Import. Earth material acquired from an off-site location for use in grading on a site. [Added 1999, Ord. 2863]

Improved Lot. Any lot where one or more improvements are located that require a building or mobile home installation permit.

Improvements. Includes any structures or mobile homes for which a building or installation permit is required.

Impulsive Sound or Noise. Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, hammering and discharge of firearms. [Amended 1992, Ord. 2545]

Incidental Camping Area. Any area or tract of land where camping is incidental to the primary use of the land for agricultural or other uses listed by the Land Use Element as allowable in the Agricultural or Rural Lands category, and where one or more campsites are rented or leased or held out for rent or lease.

Indoor Amusements and Recreation (land use). Establishments providing indoor amusement or entertainment for a fee or admission charge, such as: arcades containing coin operate amusements and/or electronic games (five or more such games or coin-operated amusements in any establishment constitutes an arcade in compliance with this definition, four or less are not considered a land use separate from the primary use of the site); card rooms, billiard and pool halls; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; gymnasiums, reducing salons, health and athletic clubs including indoor sauna, spa or hot tub facilities; tennis, handball, racquetball, indoor archery and shooting ranges and other indoor sports activities.

Infiltration rate. The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour). [Added 1993, Ord. 2648]

Inoperative Vehicle. Any vehicle that has remained continuously in one location for more than 180 days. [Added 1981, Ord. 2063]

Interceptor Ditch. Interceptor ditches are permanent structures located on top of man-made or natural slope that divert drainage away from the face of the slope. [Added 1999, Ord. 2863]

Interior-Illuminated Sign. See "Sign, Interior-Illuminated."

Interior Lot Line. See "Property Line, Interior."

Intruding Noise Level. The sound level created, caused, maintained, or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation. [Added 1992, Ord. 2545]

Irrigable. A lot with on-site water sources sufficient to support any crop suited to the soil type and climate of a site without reliance on rainfall. This capability may be inferred where more than 50% of the total land area of lots bordering a site (with equivalent soils and microclimate) are irrigated.

Irrigated. A lot having existing wells, water storage, and/or drip irrigation system adequate to support any crop suited to the soil type and climate of a site.

Irrigation Efficiency. The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics. [Added 1993, Ord. 2648]

Issuance. See "Permit Issuance."

J. Definitions, "J." No specialized terms beginning with the letter "J" are used at this time.

K. Definitions, "K."

Kennel, Boarding or Commercial. A facility for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats for commercial purposes, except for dogs or cats in pet shops or animal hospitals. Kennels are not considered a commercial animal raising operation for the purpose of creating new parcels in compliance with Chapter 22.22 (Land Division Design Standards) [Amended 1981, Ord. 2063; 1987, Ord. 2309]

Kennel, Non-Commercial. Any dog kennel in which four or more dogs are kept for non-commercial reasons, including hunting and herding livestock, subject to the requirements of Section 9.04.110 of this Code. [Added 1981, Ord. 2063]

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

Key Lot. See "Lot, Key."

L. Definitions, "L."

Landscape Architect. One who practices landscape architecture holding a license from the State of California to practice landscape architecture. [Added 1999, Ord. 2863]

Landscape Area. All exterior areas of the site improved with a combination of hard and soft paving materials (excluding driveways), water features, turf and other plant materials. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included in calculations of irrigated landscape. Water features are included in the calculation of the irrigated landscape area. [Added 1993, Ord. 2648]

Land Use. See "Use of Land." [Amended 1986, Ord. 2250]

Land Use Category (also Land Use Designation). Any of the districts defined by Chapter 7, Part I of the LUE, which are applied to the unincorporated portions of San Luis Obispo County for the purpose of identifying areas of land suitable for particular land uses.

Land Use Element. The Land Use Element (LUE) of the San Luis Obispo County General Plan adopted in compliance with California Government Code Section 65302. [Amended 1992, Ord. 2553]

Land Use Permit or Entitlement. A ministerial or discretionary permit that grants an applicant the authority to establish a use of land only after obtaining additional building or grading permits, as required. For the purposes of this Title, land use permits are Zoning Clearance, Site Plan Review, Minor Use Permit, and Conditional Use Permit established by Article 6. [Amended 1986, Ord. 2250]

Lateral Line. The water delivery pipeline that delivers landscape irrigation water from the valve or outlet to the irrigation system. [Added 1993, Ord. 2648]

Laundries and Dry Cleaning Plants (land use). Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services." (SIC: Group 72)

Leaching Capacity. The ability of soils to absorb septic tank discharges through a leach field or pit, determined through a percolation test, expressed as the length of time required for one inch of liquid to percolate into the soil of a percolation test hole. Fair to good leaching capacity is generally five minutes or less per one inch of fall.

Laundries and Dry Cleaning Plants (land use). Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services." (SIC: Group 72)

Libraries and Museums (land use). Permanent public or quasi-public facilities generally of a non-commercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums. (Zoos are included under "Animal Facilities.") Also includes historic sites and exhibits. (SIC: Group 84)

Light Source. A device that produces illumination, including incandescent bulbs, fluorescent and neon tubes, halogen and other vapor lamps, and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

Loading Space or Berth. A space used exclusively for loading or unloading of other than passengers from vehicles into the floor area, use area, or storage area of a building.

Local or Minor Street. Defined in Chapter 6, Part I of the LUE.

Lodging - Bed and Breakfast Inns (land use). Residential structures with one family in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging, where meals may be provided subject to applicable county Health Department regulations. Does not include "Homestays" and "Hotels and Motels," which are defined separately; rooming and boarding houses which are included under "Multi-Family Dwellings"; or the rental of an entire residence for one week or longer. (Amended 1995, Ord. 2740)

Lodging - Homestays (land use). Residential structures in Residential Single Family and Residential Suburban neighborhoods with a family in permanent residence where no more than two bedrooms without cooking facilities are rented for overnight lodging. Does not include provision of meals. This definition does not include "Bed and Breakfast Facilities" and "Hotels, Motels", which are defined separately; rooming and boarding houses which are included under "Multi-Family Dwellings"; or the rental of an entire residence for one week or longer. [Added 1995, Ord. 2740]

Lodging - Hotels, Motels (land use). Commercial transient lodging establishments including hotels, motor hotels, motels, tourist courts or cabins, primarily engaged in providing overnight or otherwise temporary lodging, with or without meals, for the general public. Includes the preceding lodging establishments where developed as planned developments, or condominiums in compliance with Section 22.30.290 (Lodging - Hotels, Motels - Condominium or Planned Development). Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, and accessory meeting and conference facilities, etc. (SIC: Group 701) [Amended 1995, Ord. 2740]

Lot. See "Parcel."

Lot, Corner - Side and Front. A corner lot is located immediately adjacent to the intersection of two public vehicular rights-of-way, including railroads. The narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is side, regardless of the direction which the dwelling faces. (See Figure 80-4).

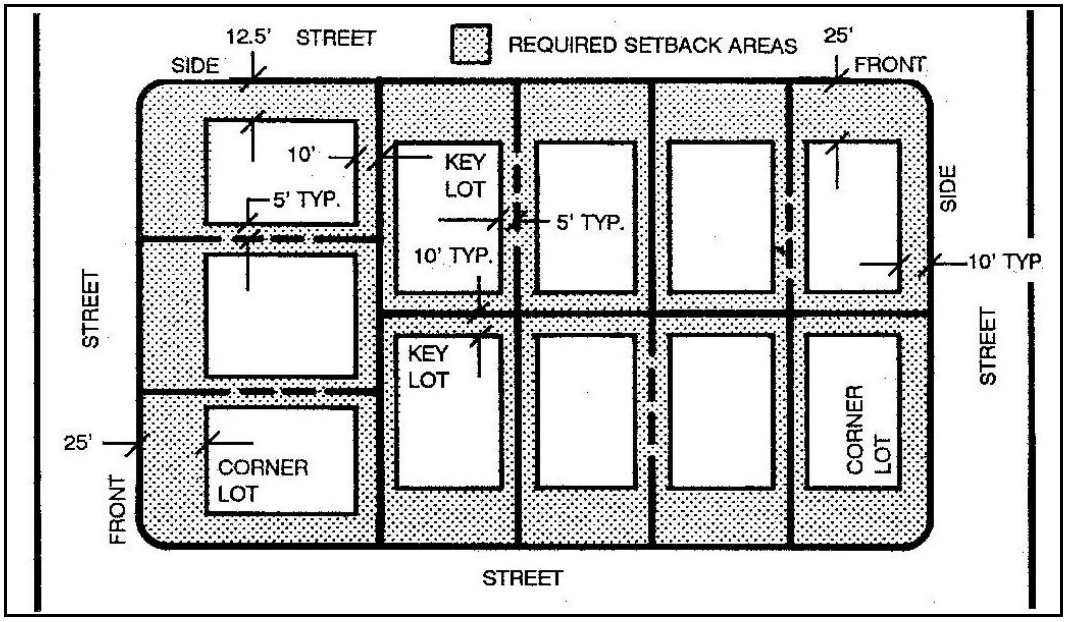

Figure 80-4 - Corner Lot and Key Lot

Lot Coverage. See "Coverage."

Lot, Double-Frontage. A lot extending between two streets, so that both front and rear yards abut a street. (See Figure 80-5).

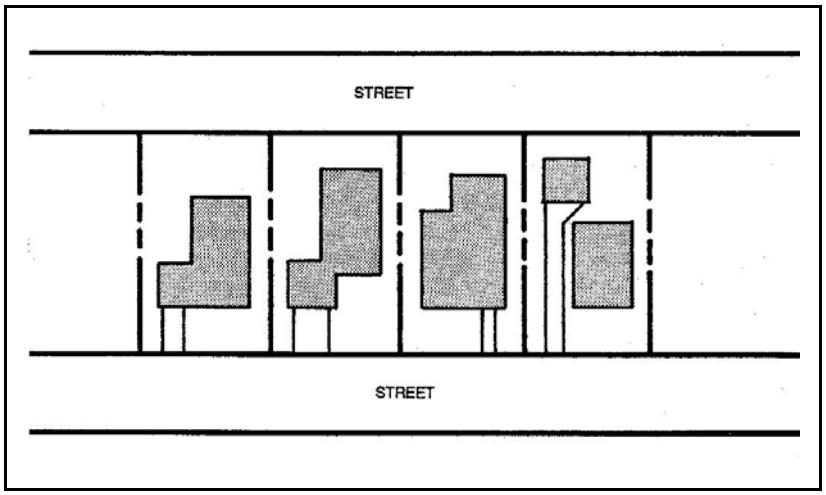

Figure 80-5 - Double Frontage Lot

Lot, Key. The lot located immediately adjacent to a corner lot, oriented so the narrowest dimension of one of the corner lot side yards is adjacent to the narrowest dimension of the front yard of the key lot (See Figure 80-4).

Lot Line. See "Property Line."

Lot Width. Distance between interior property lines, measured along the front setback line, as applied to the lot in question.

Lumber and Wood Products (land use). Manufacturing and processing uses including merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood and veneer mills engaged in producing lumber and basic wood products; together with the wholesale and retail sale of such products and establishments engaged in manufacturing finished articles made entirely or mainly of wood or wood substitutes, including wood and cabinet shops. Also included are: truss and structural beam assembly; wood containers, pallets and skids; wood preserving; particle board assembly; turning and shaping wood and wood products on a manufacturing basis; mobile home and modular home assembly. Logging camps are included in "Forestry"; craft-type shops are included in "Small Scale Manufacturing." The sale of building materials other than wood products and the sale of construction tools and equipment is included under "Building Materials and Hardware." (SIC: Groups 242, 245, 249)

M. Definitions, "M."

Machinery Manufacturing (land use). Establishments engaged in manufacturing machinery and equipment such as: engines and turbines; farm and garden machinery and equipment (except for secondary assembly of such products which is included under Farm Equipment and Supplies); construction, mining and materials handling machinery and equipment such as bulldozers, cranes, dredging machinery, mining equipment, oil filed equipment, passenger and freight elevators, conveyors, industrial trucks and tractors; machine tools such as gear cutting machines, die casting machines, dies, jigs, industrial molds, power driven hand tools; machinery for use in the food products, textile, woodworking, paper or printing industries; general machinery and equipment such as pumps, roller bearings, industrial furnaces and ovens; office, computing and accounting machines such as typewriters, computers, dictating machines; machinery for refrigeration and service industries such as commercial laundry and dry cleaning equipment, heating, ventilating and air conditioning equipment, commercial cooking and food warming equipment; miscellaneous machinery such as carburetors, pistons and valves. (SIC: Group 35)

Mail Order and Vending (land use). Establishments primarily engaged in retail sale of products by catalog and mail order. Also includes vending machine distributorship and suppliers. Does not include product manufacturing, which is included under the applicable manufacturing use. (SIC: Group 596)

Main Building. See "Building, Main."

Main Line. The water delivery pipeline that delivers landscape irrigation water from the water source to the valve or outlet. [Added 1993, Ord. 2648]

Manufacturing Uses. Any of the uses listed in the manufacturing and processing group by Section 22.06.030 (Allowable Land Uses and Permit Requirements), which may include accessory retail sales of products produced on-site.

Map Act. See "Subdivision Map Act."

Marinas (land use). Establishments providing water-oriented services such as: yachting and rowing clubs, boat rental, storage and launching facilities; sport fishing activities, excursion boat and sight-seeing facilities, and other marina-related activities, including but not limited to fuel sales, boat and engine repair and sales. Boat storage and launching facilities accessory to a camping facility are also included under the definition of "Rural Recreation and Camping."

Marquee Sign. See "Sign, Marquee."

Membership Facilities. See "Clubs, Lodges, and Private Meeting Halls."

Metal Industries, Fabricated (land use). Manufacturing establishments engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

Metal Industries, Primary (land use). Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable. Merchant blast furnaces and by-product or beehive coke ovens are also included. (SIC: Group 33)

Mined Lands. Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted, including all accessory access roads, land excavations, workings, mining waste, and areas where structures, facilities, and surface mining equipment, machines, tools or other materials or property are located.

Minerals. Any naturally-occurring chemical element, compound or groups of elements and compounds, formed from inorganic processes or organic substances, including but not limited to coal, granite, limestone, metals, peat, "redrock" sand and gravel, tar sand and bituminous sandstone, but excluding geothermal resources, natural gas, and petroleum.

Minimum Parcel Size or Area. The area established in Chapter 22.22 (Land Division Design Standards).

Minimum Site Area. The smallest lot of record or contiguous lots in a single ownership, as determined by the planning area standards of Article 9, Section 22.10.110, or Article 4, on which a new land use may be established. This is measured as net site area (See "Site Area, Net").

Mining (land use). Resource extraction establishments primarily engaged in mining, developing mines or exploring for metallic minerals (ores), coal and nonmetallic minerals (except fuels), or surface mines extracting crushed and broken stone, dimension stone or sand and gravel. (See also "Stone and Cut Stone Products"). (SIC: Groups 10, 11, 12, 14)

Mining Operator. Any person engaged in surface mining operations, or who contracts with others to conduct operations on his behalf.

Mining Waste. Includes residual soil, minerals, liquid, vegetation, tailings, abandoned equipment, tools, other materials or physical conditions directly resulting from or displaced by mining.

Ministerial Permit. Any permit that may be issued under the provisions of this Title without review by the Planning Commission or Board of Supervisors. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria.

Mobile Home Parks (land use). Any area or tract of land where two or more mobile home lots or spaces are leased or rented, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes used for human habitation. The rental paid for a manufactured home or mobile home shall be deemed to include rental for the lot it occupies. Does not include an area or tract of land in the Agriculture or Rural Lands land use categories where two or more mobile home lots or spaces are rented or leased to accommodate manufactured homes or mobile homes for the purpose of housing less than five agricultural employees, which is included under "farm support quarters." [Amended 1992, Ord. 2544]

Mobile Homes (land use). A structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. As defined, mobile homes do not include recreational vehicles, commercial coaches, or factory-built housing (which is included under the definition of "single-family dwelling").

Monument Sign. See "Sign, Monument."

Motor Vehicles and Transportation Equipment (land use). Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products"). (SIC: Group 37)

Mulch. Any organic material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation. [Added 1993, Ord. 2648]

Multi-Family Area. An area to which the Residential Multi-Family land use category has been applied by the Land Use Element.

Multi-Family Dwellings (land use). Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

Multiple-Residence Project. A land development project involving simultaneous or sequential construction of more than one dwelling unit, and such units are not detached single-family residences on individual lots of record.

N. Definitions, "N."

Native Plant . Plant species and mix that are natural to the site and surrounding area. [Added 1999, Ord. 2863]

Natural Grade. See "Grade."

Natural Gradient. The slope of the area being worked in its natural state, exclusive of minor deviations. [Added 1999, Ord. 2863]

Net Site Area. See "Site Area, Net." (Added 1981, Ord. 2063.)

New Land Use. See "Use, New."

Noise or Sound Level. The quantity of sound in decibels, and as specified by Section 22.10.120.

Non-Illuminated Sign. See "Sign, Non-Illuminated."

Non-Residential Use. All uses of land including agricultural, communication, cultural, educational, recreation, manufacturing, processing, resource extraction, retail trade, services, transient lodging, transportation and wholesale trade uses, as defined by the Land Use Element of the San Luis Obispo County General Plan, as amended, except facilities for residences.

North Arrow. Any graphic symbol clearly indicating the direction of true north, magnetic north or assumed north on a drawing or plan.

Nursery. Facility for propagation and/or sale of horticultural or ornamental plant materials and related products, included under the definition of "Nursery Specialties" in the Land Use Element, and further defined as follows:

a. **Retail Nursery.** A nursery offering products to the general public, including plant materials, planter boxes, fertilizer, garden tools, and related items.

b. **Wholesale Nursery.** A nursery that sells plant materials raised on the same site to other businesses.

c. **Accessory Nursery.** A nursery that is developed as a subordinate use to a principal or main building.

d. **Greenhouse.** A nursery facility (may be used with any of the above nurseries in accordance with the standards in Section 22.30.310) for indoor propagation of plants, constructed with transparent panels, including lath houses.

Nursery School. See "Preschool."

Nursery Specialties (land use). Agricultural establishments primarily engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors.

Also includes establishments engaged in the sale of such products (e.g., wholesale and retail nurseries) and commercial scale greenhouses (home greenhouses are included under "Residential Accessory Uses.")

Nursing and Personal Care (land use). Residential establishments providing nursing and health related care as a principal use with in-patient beds, including: skilled nursing care facilities; extended care facilities; convalescent and rest homes; board and care homes. (SIC: Group 805)

O. Definitions, "O."

Obstruction in Floodway. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood-hazard areas that may impede, retard or change direction of flow, either in itself, or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream and damage life or property.

Occupant. The person occupying, or otherwise in real or apparent charge and control of premises affected by any enforcement action.

Off-Premise Sign. See "Sign, Off Premise."

Off-Road Vehicle Courses (land use). Rural areas set aside for the use of off-road vehicle enthusiasts including dirt bike, enduro, hill climbing or other off-road motorcycle courses; also, rural areas for competitive events utilizing four-wheel drive vehicles. Does not include sports assembly facilities, or simple access roads which are usable by only four-wheel drive vehicles.

Offices (land use). Professional or government offices including: engineering, architectural and surveying services; real estate agencies; non-commercial educational, scientific and research organizations; accounting, auditing and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; employment, stenographic, secretarial and word processing services; quick printing, copying and blueprinting services; reporting services; data processing and computer services; management, public relations and consulting services; detective agencies and similar professional services; attorneys; and counseling services (other than licensed psychiatrists which are included under "Health Care Services"); and government offices including agency and administrative office facilities, and local post offices when located in facilities developed by private parties for occupancy by the postal service or other operator (does not include bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals"). Does not include medical offices (which are allowed under "Health Care Services") or offices that are incidental and accessory to another business or sales activity which is the principal use. Incidental offices are allowed in any land use category as part of an approved principal use.

Offices, Temporary (land use). A mobile home, recreational vehicle or modular unit used as: a temporary business or construction office during construction of permanent facilities on the same site or as an office on the site of a temporary off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Official Plan Line. A line adopted by the county Board of Supervisors to indicate the area proposed to be acquired for an enlarged right-of-way. (See also "Front Yard").

Open Area. All areas of a lot not included within the definition of floor area: parking, recreation spaces, passive open areas, landscaped areas and other open, unpaved areas of the site.

Open Space Plan. Part of the San Luis Obispo County General Plan, adopted in compliance with Government Code Section 65560.

Operating Pressure. The pressure (usually expressed in pounds per square inch - psi) at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler. [Added 1993, Ord. 2648]

Organizational Houses (land use). Residential lodging houses operated by membership organizations for their constituents and not open to the general public. Includes fraternity and sorority residential houses. [Amended 1994, Ord 2686]

Outdoor Activity Area. Any part of a site where commercial, industrial, recreation or storage activities related to the principal use of a site are conducted outdoors, except for parking.

Outdoor Retail Sales (land use). Temporary retail trade establishments including: farmer's markets; sidewalk sales; seasonal sales involving Christmas trees, fireworks, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales or various products from individual motor vehicles in temporary locations outside the public right-of-way, not including bakery, ice cream and similar vending vehicles that conduct all sales within the right-of-way and do not stop in any location except on customer demand. Does not include flea markets or swap meets, which are included under "Storage Yards and Sales Lots."

Outdoor Sports and Recreation Facilities (land use). Facilities for various outdoor sports and recreation, including: amusement, theme and kiddie parks; golf courses, (including country clubs and accessory on-site sales of golfing equipment as in a "pro shop," including golf carts), golf driving ranges and miniature golf courses; skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g., ATCs and other non-highway motor vehicles, roller skates, surf and beach equipment); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; play lots, playgrounds and athletic fields (non-professional); recreation and community centers.

Outdoor Use. Storage yards, sales lots, or sales from vehicles.

Overburden. Soil, rock or other materials above or within a natural mineral deposit, before or after removal by mining operations.

Overhead Sprinkler Irrigation Systems. Those irrigation systems with higher flow rates (pop-ups, impulse sprinklers, rotors, etc.). [Added 1993, Ord. 2648]

Overspray. The water which is delivered beyond the landscape area, wetting pavements, walks, structures, or other areas which are not a part of the landscape area. [Added 1993, Ord. 2648]

Owner. The person or persons, firm, corporation or partnership that is the owner of record of a premises identified on the last equalized assessment roll.

Ownership. Ownership of one or more parcels of land (or possession under a contract to purchase or under a lease, the term of which is not less than 10 years) by a person or persons,

firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control.

P. Definitions, "P."

Paper Products (land use). Manufacture of pulps from wood, other cellulose fibers and from rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes. Also includes building paper and building board mills. (SIC: Group 26)

Parcel.

a. A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act (or local ordinance adopted pursuant thereto) to be recorded before sale of parcels shown on the map or plat, at the time the map was recorded;
b. A parcel of real property that has been issued a certificate of compliance in compliance with Government Code Section 66499.35; or
c. A parcel of real property not described in a or b above, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was record before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto.

Parking Bay. Interior space used for vehicle parking that is individually enclosed on at least three sides.

Parking Space. A space on a building site at least eight feet by 14 feet located off the street with access for parking automobiles.

Parkway. A continuous landscape strip that separates a street curb from the adjacent sidewalk.

Particulate Matter. Any material except uncombined water that exists in finely-divided form as a liquid or solid at standard conditions.

Paving Materials (land use). Manufacturing establishments producing various common paving and roofing materials, including paving blocks made of asphalt, creosoted wood and various compositions of asphalt and tar. (SIC: Group 295)

Periodic. Intermittent while work is in progress. [Added 1999, Ord. 2863]

Permit. Any formal authorization or entitlement from, or approval by the County, the absence of which would preclude establishment of a land use, activity, construction project, grading or surface mining operation.

Permit, Grading. A document issued by the Director authorizing grading work. [Added 1999, Ord. 2863]

Permit Issuance. The act of final approval of an application for a permit or land use entitlement in accordance with the provisions of this Title.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Services (land use). Establishments primarily engaged in providing non-medically related services generally involving the care of persons including beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors and related facilities. These uses may also include accessory retail sales of products related to the services provided.

Pet Shop. A facility for the conduct of a business for buying and selling (or bartering) birds, animals or fowl, except livestock. [Added 1981, Ord. 2063]

Petroleum Extraction (land use). Resource extraction establishments primarily engaged in: producing crude petroleum and natural gas; recovering oil from oil sands and shales; and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sands and shales, and on-site processing only to the extent necessary to permit extraction (e.g., enhanced recovery techniques including the use of steam generators), or to conform extracted crude to pipeline requirements. (SIC: Group 13)

Petroleum Refining and Related Industries (land use). Establishments primarily engaged in petroleum refining and compounding lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, manufacture of petroleum coke and fuel briquettes, and tank farms. Does not include petroleum bulk stations, surge tanks and pump stations, which are included in "pipelines and transmission lines." (Petroleum and petroleum products distributors are included in "Wholesaling and Distribution.") (SIC: Group 291, 299)

Pipelines and Transmission Lines (land use). Transportation facilities primarily engaged in the pipeline transportation of crude petroleum; refined products of petroleum such as gasoline and fuel oils; natural gas; mixed, manufactured or liquified petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified in "Offices"), equipment and material storage yards (classified under "Storage Yards and Sales Lots"), distribution substations (classified under "Public Utility Facilities"), or power plants (classified under "Electric Generating Plants") (SIC: Groups 461, 491) (Amended 1989, Ord. 2411).

Planning Area. One of the planning areas as identified in the Land Use Element.

Planning Area Standards. Development criteria for specific unincorporated communities and areas, in Article 9.

Planning Commission. The Planning Commission of San Luis Obispo County as established by Chapter 2.24 of this Code.

Planning Department. See "Department of Planning and Building."

Planning Director. See "Director of Planning and Building."

Plastics and Rubber Products (land use). Establishments producing rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic or reclaimed rubber, gutta percha, balata, or gutta siak. Also includes establishments primarily manufacturing tires (establishments primarily recapping and retreading automobile tires are classified in "Auto, Mobile Home and Vehicle Dealers and Supplies"). Also includes: establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. (SIC: Group 30)

Political Sign. See "Sign, Political."

Preschool. Day-care facility serving more than six children and/or licensed by a school district under Education Code Section Section 16725.

Price Sign. See "Sign, Price."

Primary Surface. See "Imaginary Surfaces."

Principal Structure. See "Building, Main."

Printing and Publishing (land use). Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as bookbinding, type-setting, engraving, photoengraving and electrotyping. This group also includes establishments that publish newspapers, books and periodicals, whether or not they do their own printing; and establishments manufacturing business forms and binding devices. (SIC: Group 27)

Project. Any land use, activity, construction or development which required to be authorized by a permit in compliance with this Title before beginning construction or establishment of the use.

Project Site. See "Subject Site."

Projecting Sign. See "Sign, Projecting."

Property Line. The recorded boundary of a lot of record.

Property Line, Front. The recorded boundary between the front yard of a lot of record and the abutting street right-of-way.

Property Line, Interior. The recorded boundary between two or more lots of record.

Property Line, Street Frontage. The recorded boundary between a lot of record and a street right-of-way.

Prospecting. See "Exploration."

Public Agency. For the purposes of this Title, public agency means only the county of San Luis Obispo, the community service districts or incorporated cities within the county, the state of California or the federal government.

Public Assembly and Entertainment (land use). Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

Public Resources Code. The Public Resources Code of the State of California.

Public Safety Facilities (land use). Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities (not including jails, which are defined under "Correctional Institutions").

Public Utility. A company regulated by the California Public Utilities Commission.

Public Utility Facilities (land use). Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements. These uses do not include uses that are not directly and immediately used for the production, generation, storage, or transmission of water, wastewater or electrical power such as an office or customer service centers (classified in "Offices"), or equipment and material storage yards (classified in "Storage Yards and Sales Lots). (Amended 1989, Ord. 2411; 1995, Ord. 2740).

Public Works Department. The San Luis Obispo County Public Works Department.

Q. Definitions, "Q." No specialized terms beginning with the letter "Q" are used at this time.

R. Definitions, "R."

Rain Sensing Device. A system which automatically shuts off the landscape irrigation system when it rains. [Added 1993, Ord. 2648]

Rangeland. See "Crop Production."

Rare, Threatened or Endangered Species. Those plants and animal species identified as candidate, rare, threatened or endangered based upon. State regulations (California Administrative Code, Title 14, Sections 670.2 or 670.5), Federal regulations (Title 50, Code of Federal Regulations, Sections 17.11 or 17.12), or where an unlisted species has been shown to meet the criteria for a rare or endangered species. [Added 1999, Ord. 2863]

Reader Board. A sign that accommodates changeable copy and which displays information on activities and events on the premises, but not including a marquee.

Rear Yard (or Setback). See "Yard, Rear."

Reclamation. The process of land treatment that minimizes and mitigates otherwise unavoidable or existing water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface or underground mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed and restored to a usable condition readily adaptable for alternate land uses and that will constitute no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

Reclamation Plan. A mine operator's completed and approved plan for reclaiming the lands affected by mining operations conducted after January 1, 1976, as called for in Public Resources Code Section 2772, and in Chapter 22.36 (Surface Mining and Reclamation).

Recreational Vehicle. A motorhome, house car, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation or recreational or emergency occupancy, 8 which meets all of the following criteria:

a. Contains less than 320 square feet of internal living area, excluding built-in equipment such as wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
b. Contains 400 square feet or less of gross area measured at maximum horizontal projections.
c. Is built on a single chassis.
d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

[Amended 1987, Ord. 2319]

Recreational Vehicle Parks (land use). Transient lodging establishments primarily engaged in renting, leasing or otherwise providing overnight or short-term sites for motorhomes, trailers, campers or tents, with or without individual utility hookups, but with other facilities such as public restrooms. May include accessory food and beverage retail sales where such sales are clearly incidental and intended to serve RV park patrons only. Does not include incidental camping areas, which are included under "Rural Sports and Group Facilities."

Recycled Water, Reclaimed Water, Treated Sewage Effluent Water, or Greywater. Treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation; not intended for human consumption. [Added 1993, Ord. 2648]

Recycling Collection Stations (land use). Facilities for temporary accumulation and storage of recyclable discarded materials, which are subsequently transported to recycling centers or solid waste disposal sites for further processing. Includes sites for implementing the California Beverage Container Recycling Act (AB 2020). (Does not include automobile wrecking yards or any recycling processing facilities, which are listed under Recycling and Scrap; does not include temporary storage of toxic or radioactive waste materials).

Recycling and Scrap (land use). Establishments primarily engaged in assembling, breaking up, sorting temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Also includes any storage of such materials in an area larger than 200 square feet or higher than six feet. Does not include terminal waste disposal sites, which are separately defined. does not include temporary storage of toxic or radioactive waste materials.

Recycling Facility. An area greater than 300 square feet, used for outdoor storage, sorting handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes both wrecking yards for vehicles and recycling centers handling such materials as glass, paper and aluminum. [Amended 1981, Ord. 2063]

Religious Facilities (land use). Religious organization facilities operated for worship or promotion of religious activities, including churches, synagogues, and mosques, religious Sunday-type schools and monasteries, convents, and other religious residential retreats. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp) are classified according to their respective activities. [Amended 1994, Ord. 2686]

Remove. In the case of an approved land use, remove means to eliminate the use or structure from the approved site.

Repair Services - Consumer Products (land use). Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (included under "Personal Services"). Does not include repair or services incidental and accessory to retail sales. Does not include businesses serving the repair needs of heavy equipment, which are included under "Business Support Services." (SIC: Group 76)

Residence. See "Dwelling." [Added 1986, Ord. 2250]

Residence, Primary and Secondary. A primary residence is one single-family dwelling constructed on a lot. A secondary residence is an additional detached single-family dwelling on the same lot permitted under the provisions of Section 22.10.130 or 22.30.470 (Secondary Dwellings). [Amended 1986, Ord. 2250; 1992, Ord. 2539]

Residential Accessory Uses (land use). Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

Residential Care (land use). Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. Includes: children's homes; halfway houses; orphanages; rehabilitation centers; self-help group homes. (SIC: Group 836)

Residential Care Facility. A facility providing non-medical residential care or day care services for children or adults (except for preschools which are separately defined) who are physically handicapped or mentally impaired.

Residential Category or Area. Any Residential land use category as identified in the Land Use Element; indicates reference to any or all of the residential land use categories (including Rural, Suburban, Single-Family, or Multi-Family).

Resource Extraction Well. Any facility constructed or installed for the purpose of extracting subsurface minerals from the earth that occur in a fluid or gaseous state, or minerals converted to a gaseous or semi-fluid state through extraction processes, which involve drilling apparatus. For the purposes of this definition only, mineral resources include oil, gas, geothermal steam, or other subterranean deposits, except water. These wells may be for purposes of exploration or production.

Restaurants (land use). Establishments selling prepared foods and drinks for on-premise consumption Also includes drive-in restaurants, lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, delis and lunch counters operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators. See also "Bars and Night Clubs." (SIC: Group 58)

Retail. See "Commercial Retail Category," "Use, Commercial Retail."

Revegetation. Any combination of mechanical or other means by which a graded surface is returned to a condition where it supports temporary and permanent natural vegetation. [Amended 1999, Ord. 2863]

Review Authority. The individual or group identified by this Title as having the authority to take action to approve, approve subject to conditions or disapprove a land use permit application in compliance with this Title; either the Director of Planning and Building, Subdivision Review Board, Planning Commission, or Board of Supervisors. [Added 1992, Ord. 2553]

Review Body. See "Review Authority". [Added 1992, Ord. 2553]

Right-of-Way. A public road, alley, pedestrian or other access right-of-way with width described in recorded documents. Also includes rights-of-way for electric power transmission, oil and gas pipelines and communications systems utilizing direct connections, such as cable TV, telephone, etc. [Amended 1989, Ord. 2409]

Rill Erosion . Erosion that occurs or results in rills formed within a watershed. [Added 1999, Ord. 2863]

Road Access. See "Access."

Road. Vehicular access to more than one lot of record; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two structures or four or more dwelling units. [Amended 1991, Ord. 2523]

Roadside Stands (land use). Open structures for the retail sale of agricultural products (except hay, grain and feed sales-included under Farm Equipment and Supplies), located on the site or in the area of the property where the products being sold were grown. Does not include field sales or agricultural products, which is included under "Crop Production and Grazing."

Roof Sign. See "Sign, Roof."

Rough Grade. See "Grade."

Runoff. The surface water flow or rate of flow in a given drainage area after a fall of rain. [Added 1993, Ord. 2648; amended 1999, Ord. 2863]

Rural Area (or Category). Any area or land use category outside of the urban or village reserve lines established by the LUE.

Rural Recreation and Camping (land use). Facilities for special group activities such as: outdoor archery, pistol, rifle, and skeet clubs and facilities (indoor shooting facilities are included under the definition of "Amusements and Recreational Services"); dude and guest ranches; health resorts including but not limited to outdoor hot spring or hot tub facilities; hunting and fishing clubs; recreational camps (including incidental RV camping, but not RV parks); group or organized camps; incidental seasonal camping areas without facilities. Equestrian facilities including riding academies and schools, boarding stables and exhibition facilities are included under the definition of "Animal Facilities." Camping facilities may include accessory boat storage and launching facilities where approved in compliance with Section 22.30.520 (Rural Recreation and Camping).

S. Definitions, "S."

Safety Element. The Safety Element of the San Luis Obispo County General Plan, prepared and adopted in compliance with Government Code Section 65302.

Sandy Area. Portions of the Nipomo Mesa and Baywood/Los Osos area indicated on the official sandy area maps on file in the Department of Planning and Building, indicating areas of fair to good leaching capacity.

Scarify. To abrade, scratch or modify the surface, for example, to break the surface of the soil with a narrow blade implement. [Added 1999, Ord. 2863]

Schools - Specialized Education and Training (land use). Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples). (SIC: Groups 834, 829)

Schools - College and University (land use). Junior colleges, colleges, universities and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training. (SIC: Group 822)

Schools - Preschool to Secondary (land use). Pre-school, day-care centers, elementary and secondary schools serving grades 1 through 12, including denominational and sectarian. Kindergartens and military academies are also included. (SIC: Group 821)

Scrap. Used metal including appliances and machine parts, which can be recycled or re-used only with repair, refurbishing, or attachment to other such materials.

Secondary Dwelling (land use). A second permanent dwelling that is accessory to a primary dwelling on a site. (Amended 1995, Ord. 2740)

Section. When used in this Title to refer to its provisions, the term "Section" means all language following a section number (e.g. 22.02.034), including all subsections following (e.g. A., B.1.c, etc.), up to the next Section number. [Added 1986, Ord. 2250]

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water gravity, or ice and has come to rest on the earth's surface. [Added 1999, Ord. 2863]

Sediment Detention Basin. A sediment detention basin is a reservoir which retains flows sufficiently to cause deposition of transported sediment and debris. [Added 1999, Ord. 2863]

Sedimentation. The addition of soil materials through erosion to a stream or water body that increases the turbidity of the water.

Seepage. (1) Water escaping through or emerging from the ground along an extensive line or surface as contrasted with a spring where the water emerges from a localized spot. (2) The process by which water percolates through the soil. [Added 1999, Ord. 2863]

Septic System. Any combination of septic tanks and leaching systems or areas.

Service Commercial. See "Commercial Service Category," and "Use, Commercial Service."

Setback. An open area on a lot between a building or structure, and a property line or other site feature specified by this Title, unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 22.10.140 (Setbacks). (See Figure 80-6). [Amended 1982, Ord. 2091; 1986, Ord. 2250]

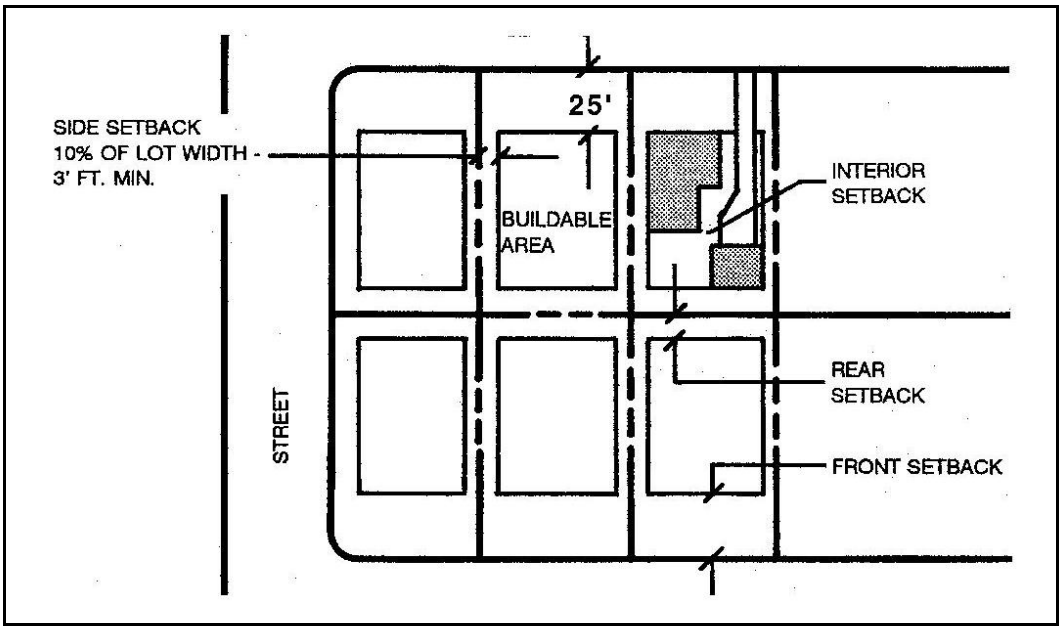

Figure 80-6 - Setbacks and Buildable Area

Setback, Front. An open area without structures, extending across the front of a lot between the side property lines. The front of a lot is the most narrow dimension of the lot parallel to a street, and adjacent to that street. The front setback is measured from the street line of the lot to the nearest line of the building, except where any official plan line has been established for the street upon which the lot faces, or where the lot contains a dedicated public right-of-way, the front yard measurement is to be taken from such plan line or right-or-way line. Where a building line is established in an official recorded or adopted building line map, such building line will define the front yard area. (See Figure 80-6).

Setback, Interior. Any open area of a site not within a required front, rear, or side setback area. (See Figure 80-6).

Setback Line. The line formed by the measurement of required front, side, or rear yard areas required by this Title. All setback lines together define the buildable area. See also "Yard."

Setback, Rear. A primarily open area without principal structures, extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building.

Setback, Side. A primarily open area without principal structures, between the side line of the lot and the nearest line of the building and extending between the required front and rear setbacks.

Sheet Erosion . Erosion resulting from movement of water from sheet flow. [Added 1999, Ord. 2863]

Sheet Flow. Water, usually storm runoff, flowing in a thin layer (from 1 to 3 feet) over the ground surface; overland flow. [Added 1999, Ord. 2863]

Shopping Center. Five or more stores with a minimum site area of 50,000 square feet, 300 feet of public street frontage and common off-street parking.

Side Yard. See "Setback, Side."

Sign. Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business or event, not including such devices visible only from within a building.

Sign Area. The area of the smallest rectangle within which a single sign face can be enclosed.

Sign Copy. The information content of a sign, including text, illustrations, logos and trademarks.

Sign, Directory. A sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

Sign, Exterior-Illuminated. Any sign, any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

Sign Face. The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

Sign, Freestanding. A sign not attached to any buildings and having its own support structure.

Sign, Freeway Identification. An on-site sign permitted for a highway-oriented use (see Chapter 22.20 (Signs).

Sign Height. The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

Sign, Identification. Any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

Sign, Interior-Illuminated. A sign with any portion of the sign face or outline illuminated by an interior light source.

Sign, Marquee. A sign placed on the face of a permanent roofed structure, projecting over the building entrance, which is an integral part of the building (usually a theater or hotel).

Sign, Monument. A self-supported sign with its base on the ground, not exceeding 6 feet in height.

Sign, Non-Illuminated. A sign illuminated only incidentally by ambient light conditions.

Sign, Off-Premise. A sign directing attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

Sign, Political. A sign drawing attention to or communicating a position on any issue, candidate, or measure in any national, state, local or school campus election.

Sign, Price. A sign on the premises of a gasoline service station, identifying the cost and type or grade of motor fuel only.

Sign, Projecting. A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

Sign, Roof. Any sign located on, or attached to the roof of a building.

Sign, Suspended. A sign attached to and located below any permanent eve, roof, or canopy.

Sign, Temporary. A sign used not more than 60 days, or other period limited by the duration of an activity specified in Section 22.30.580 (Temporary Uses - General Standards).

Sign, Wall. A single-faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six inches.

Sign, Window. A sign displayed within a building or attached to a window but visible through a window or similar opening for the primary purpose of exterior visibility.

Simple Tone Noise. Any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the county. [Added 1992, Ord. 2545]

Single-Family Dwelling (land use). A building designed for an/or occupied exclusively by one family. Also includes attached ownership units using common wall development or airspace condominium ownership, where a proposed site qualifies for planned development through designation by planning area standard or through compliance with any planned development or cluster division standards of this Title. Also includes factory-built housing.

Site. Any lot or parcel of land or contiguous combination thereof, under the same ownership, or with the contiguous owners written consent, where grading or other use or activity regulated by this Title is performed or permitted. [Amended 1999, Ord. 2863]

Site Area, Gross. The total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deeded to the parcel, and all easements (except open space easements), across the site. [Amended 1981, Ord. 2063]

Site Area, Net. The gross site area minus any ultimate street rights-of-way and any easements (except open space easements) that limit the surface use of the site for building construction. [Amended 1981, Ord. 2063]

Site Area, Usable. Net site area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filling of reservoirs or lakes. [Added 1981, Ord. 2063]

Site Coverage. See "Coverage."

Slope. Degree of inclination or percent of slope. An inclined ground surface. The inclination of which is expressed as a ratio of horizontal distance to vertical distance, as in two to one (2.1), meaning a horizontal distance of two (2) feet to one (1) foot vertical. [Added 1999, Ord. 2863]

Slope, Average. The characteristic slope over an area of land, expressed in percent as the ratio of vertical rise to horizontal distance. In any cluster development (see Section 22.22.140) or where the size of the proposed new parcels is 10 acres or greater, average slope is to be determined for the entire site and does not need to be determined for each proposed parcel. In all other cases, average slope is to be determined based on the most accurate available topographic information for each proposed new lot. One of the following methods for determining average slope is to be used:

a. **Basic Method.** Where slopes are uniform, with little variation, the basic method can be used to determine average slope. Where a line is drawn between highest and lowest points

on a parcel is adequate to represent direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points, will determine the average slope.

b. **Sectional Method.** Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined according to the contour measurement method in (c) below. The average slope of each section is then used in proportion of the section's area to the total area to determine the average slope of the entire parcel.

c. **Contour Measurement Method.** Where varied slope conditions or complex topography exist, the most precise measurement of average slope is the contour measurement method. The following formula shall be used to determine average slope:

$$S = \frac{.00229(I \times L)}{A}$$

Where S = Average slope of parcel in percent
A = Total number of acres in the parcel (or section of parcel)
L = Length of contour lines in scaled feet
I = Vertical distance of contour interval in feet.

[Amended 1992, Ord. 2553]

Slope Drains. Permanent or temporary devices that are used to carry water down cut, fill or natural slopes to and from bench drains. [Added 1999, Ord. 2863]

Small Scale Manufacturing (land use). Manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations, and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services when accessory to another use. (SIC: Group 39)

Social Service Organizations (land use). Public or quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. Includes organizations soliciting funds to be used directly for these and related services. Also includes establishments engaged in community improvement and neighborhood development. (Does not include child day-care services such as pre-schools which are classified under "Schools - Preschool to Secondary," or "Residential Care," which are separately defined). (SIC: Group 83)

Soil (earth). Sediments or other unconsolidated accumulation of solid particles produced by the physical and chemical disintegration of rocks, and which may or may not contain organic matter. [Added 1999, Ord. 2863]

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil. [Added 1993, Ord. 2648]

Solar Efficiency. The extent to which a building or structure uses solar energy in winter or repels solar energy in summer by natural or man-made devices (trees and vegetation, or architectural features, respectively).

Sound Level Meter. Any instrument for the measurement of sound levels, which meets or exceeds the American National Standard Institute Standard S1.4-1971 for Type 1 or Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment which will provide equivalent data. [Amended 1992, 2545]

Special Use. See "Use, Special."

Sports Assembly (land use). Facilities for spectator-oriented specialized group sports assembly that include: stadiums and colosseums; arenas and field houses; race tracks (auto and animals); motorcycle racing and drag strips; and other sports considered commercial. (SIC: Group 794)

Sprinkler Head. A landscape irrigation device which sprays water through a nozzle. [Added 1993, Ord. 2648]

State Board. The State Mining and Geology Board, in the Department of Conservation, State of California.

State Geologist. The individual holding office as structured in Section 677 of the Public Resources Code.

Static Water Pressure. The pipeline or municipal water supply pressure when water is not flowing. [Added 1993, Ord. 2648]

Station. An area served by one landscape irrigation valve or by a set of landscape irrigation valves that operate simultaneously. [Added 1993, Ord. 2648]

Stockpiling. The accumulation of earth material in one location. [Added 1999, Ord. 2863]

Stone and Cut Stone Products (land use). Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones. (SIC: Group 328)

Storage, Accessory (land use). The indoor or outdoor storage of various materials on the same site as a principal building or land use which is other than storage, which supports the activities or conduct of the principal use.

Storage Area. An area proposed or used for the outdoor storage of supplies or equipment, or goods for sale, lease, or incidental use.

Storage Yards and Sales Lots (land use). Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, farm machinery or industrial supplies on a lot or portion of a lot greater than 300 square feet in area. Sales lots consist of any permanent outdoor sales area for motor vehicles, recreational vehicles, mobile homes, construction equipment, farm machinery or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental, which is under "Participant Sports and Active Recreation"); large-scale temporary or permanent outdoor sales activities such as swap meets and flea markets; or livestock auctions and sales. Also includes retail ready-mix concrete operations which are incidental to an outdoor equipment rental yard.

Story. Usable floors of a building, except that where Articles 1 through 8 of this ordinance or a planning area standard of Article 9 use stories as a measurement of building height, basements or building floors six feet or more below street level are not included. [Added 1981, Ord. 2063]

Stream/Creek, "Blue Line". Any bed, channel or bank of any river, stream or lake as shown with a "blue" line on a USGS 7-1/2 minute (1:24,000) quadrangle map. The surface or subsurface water flow within these "blue" line delineations could be perennial, intermittent, or ephemeral. [Added 1999, Ord. 2863]

Street. A thoroughfare that provides the principal means of vehicle access to abutting property.

Street Tree. Any plant material located adjacent to a public street, having the capability of growth that will produce a vegetative canopy above a trunk not less than 10 feet high.

Stripping. Any activity which significantly disturbs vegetated or otherwise stabilized soil surface including clearing and brushing operations. [Added 1999, Ord. 2863]

Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structural Clay and Pottery-Related Products (land use). Manufacturing establishments primarily producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain electrical supplies and parts. Artist/craftsman uses are included in "Small Scale Manufacturing" or "Home Occupations." (SIC: Groups 325, 326)

Structural Use. See "Use, Structural."

Structure. Any artifact constructed or erected, the use of which requires attachment to the ground, including any building (see "Building"), and including a gas or liquid storage tank that is principally above ground, but not including fences or walls six feet or less in height or open wire fencing. [Amended 1999, Ord. 2863; 2004, Ord. 3024]

Structure, Accessory. A structure, the use of which is incidental to that of a principal structure on the same lot. May be either detached, or attached if part of the principal structure.

Structure, Principal. See "Building, Main or Principal."

Subdivision Map Act. The California Subdivision Map Act, Government Code Sections 66400 et seq.

Subdivision Map, Tentative or Final. As defined in Title 21 of this Code and the Subdivision Map Act, Government Code Sections 66400 et seq.

Subject Site. A parcel or parcels of land which are the intended or actual location of a land use or land development project which is the subject of an application for land use permit, construction permit, variance or adjustment, or an amendment to the Land Use Element.

Substation. Any public utility electrical substation, pumping station, pressure regulating station, or similar facility.

Surface Mining Operations. All or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine (included under "Mines" as defined in the Land Use Element"). In addition, surface mining operations include, but are not limited to:

a. Inplace distillation, restoring or leaching;
b. The production and disposal of mining waste;
c. Prospecting and exploratory activities;
d. Extractions of natural materials for building, construction, etc.

Swale. A low lying stretch of land which gathers or carries surface water runoff. [Added 1999, Ord. 2863]

T. Definitions, "T."

Temporarily Deactivated Operation. A surface mine that has been closed down and which the operator has maintained in the expectation of reopening it when conditions justify.

Temporary Construction Trailer Park (land use). A temporary recreational vehicle park provided by the developer of a major construction project to provide short-term construction employees the opportunity to use recreational vehicles for housing during project construction as authorized by Section 22.30.590.

Temporary Construction Yards (land use). A storage yard for construction supplies, materials or equipment, located on a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

Temporary Dwelling (land use). Includes the temporary use of a mobile home or recreational vehicle as a dwelling unit, following the issuance of a building permit for a permanent residence while the permanent residence is under construction.

Temporary Events (land use). Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

Temporary Sign. See "Sign, Temporary."

Tenancy. An individual business occupant of a commercial building or group of buildings on a single site.

Terrace.

a. In the case of a grading or surface mining operation, a terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
b. A terrace is also an outdoor living or activity area constructed with tile, asphalt, concrete or other paving laid upon continuous base material or fill, placed directly on grade.

Textile Products (land use). Manufacturing establishments engaged in performing any of the following operations: Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; manufacturing woven fabric and carpets and rugs from yarn; dying and finishing fiber, yarn, fabric, and knit apparel; coating, waterproofing, or otherwise treating fabric; the integrated manufacture of knit apparel and other finished products from yarn; and the manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles. (SIC: Group 22)

This Code. The San Luis Obispo County Code, including all parts thereof, and all amendments thereto.

Top of Creek Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal. [Added 1999, Ord. 2863]

Topography. (1) The configuration of a surface, including its relief and the position of its natural and man made features. (2) A rendering of the results of a topographical survey. [Added 1999, Ord. 2863]

Topsoil. The upper strata of soil materials which is of most value for supporting vegetation, generally not exceeding two feet in depth, and occasionally more shallow, depending on the site.

Transit Stations and Terminals (land use). Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, subway, etc. (SIC: Group 41)

Transitional Surface. See "Imaginary Surfaces."

Truck Stops (land use). Service establishments primarily engaged in the sale of diesel fuel and gasoline to commercial trucks in transit. Such establishments may also include vehicle services incidental to fuel sales including mechanical repair, lubrication, oil change and tune-up, as well as accessory towing services and accessory trailer rental, but does not include the storage of wrecked or abandoned vehicles. May also include driver services such as a small convenience store, restaurant or coffee shop, showers and lockers.

Turf. A surface layer of earth containing mowed grass with its roots. [Added 1993, Ord. 2648]

Turnaround. An area, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. The minimum turning radius for a cul-de-sac turnaround shall be 40 feet from the centerline of the road or driveway. The minimum length of a "T" turnaround shall be a total of 60 feet. [Added 1991, Ord. 2523]

Turnout. A widening in the road to allow vehicles to pass. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25 foot taper on each end. [Added 1991, Ord. 2523]

U. Definitions, "U."

Unit. See "Dwelling." [Added 1986, Ord. 2250]

Unsuitable Material. All vegetation, non-complying fill, soil containing organic matter, compressible earth material and all other earth material which would adversely affect the safety or stability of proposed grading. [Added 1999, Ord. 2863]

Urban Area. Any area within the urban reserve lines established by the Land Use Element of the general plan.

Urban Reserve Line. As defined in Framework for Planning, Part I of the Land Use Element. [Amended 1995, Ord. 2741]

Urban Services Line. As defined in Framework for Planning, Part I of the Land Use Element. [Amended 1995, Ord. 2741]

Usable Site Area. See "Site Area, Usable." [Added 1981, Ord. 2063]

Use. See "Use , Allowable". [Added 1986, Ord. 2250, Amended 1992, Ord. 2553]

Use, Accessory. A use accessory to any principal use and customarily a part thereof, which is clearly incidental and secondary to the principal use and does not change the character of the principal use. Section 22.30.030 establishes standards for accessory uses. [Amended 1992, Ord. 2553]

Use, Allowable. The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained. These uses are identified by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being possible to establish in a given land use category subject to the standards of this Title with either a ministerial or discretionary permit. [Amended 1992, Ord. 2553]

Use, Approved. A use of land authorized to be constructed and/or established through issuance of an approved land use permit in compliance with Article 6 (Land Use and Development Permit Procedures). [Amended 1992, Ord. 2553]

Use Area. The area of a site used for buildings (main or accessory) and storage area or other incidental use, but not including parking or landscaping.

Use Area, Active. All portions of a site and buildings included in the use area, except storage, parking and landscaping.

Use, Commercial Retail. Any use listed in the Land Use Element in the retail trade group.

Use, Commercial Service. Any use listed in the Land Use Element in the services group.

Use, Industrial. Any use listed in the Land Use Element in the manufacturing and processing group.

Use, Institutional. An area developed or to be developed with any of the following or similar public buildings or uses owned by a public or nonprofit agency: Office, libraries, playgrounds, parks, assembly halls, police station, fire station, schools, hospitals or rest homes.

Use, New. A use of land (see "Use"), which is proposed to be established of constructed after the adoption of this Title.

Use of Land. See "Use, Allowable."Use of Land. [Amended 1986, Ord. 2250; 1992, Ord. 2553]

Use, Principal or Main. The primary purpose for which a building, structure, or lot is designed arranged, or intended, or for which they may be used, occupied, or maintained under this Title. (See also "Use, Accessory", and "Structure, Principal").

Use, Residential. Any use listed in the Land Use Element in the residential group.

Use, Structural. A use of land accompanied by a building or structure (not including fences), on the same lot of record.

V. Definitions, "V."

Valve. A device used to control the flow of water in a landscape irrigation system. [Added 1993, Ord. 2648]

Vehicle and Freight Terminals (land use). Transportation establishments furnishing services incidental to transportation including: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Includes rail, air and motor freight transportation. This definition does not include sites for the storage or transfer of toxic or radioactive waste materials. (SIC: Groups 40, 42)

Vehicle Storage (land use). Service establishments primarily engaged in the business of storing operative cars, buses and other motor vehicles. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Does not include wrecking yards (classified in "Recycling and Scrap") or farm equipment storage (classified in "Storage Yards and Sales Lots"). (SIC: Group 752)

Village Area. Any area within the village reserve lines established by the Land Use Element of the general plan.

Village Reserve Line. As defined in Chapter 5, Part I of the Land Use Element.

Violation. A land use, building, structure or parcel that is established or modified in a manner not consistent with all applicable provisions of this Title, after the effective date of this Title; or in a manner not consistent with applicable provisions of the former San Luis Obispo County Zoning Ordinance, Ordinance 603 and all amendments thereto, if the use was established before the effective date of this Title. [Amended 1992, Ord. 2553]

W. Definitions, "W."

Wall, Building. The length of a building wall is the horizontal distance from corner to corner measured from a plane parallel to the appropriate side, rear or front lot lines.

Wall Sign. See "Sign, Wall."

Warehousing (land use). Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

Waste Disposal Sites (land use). County-approved or operated refuse dumps, sanitary landfills and other solid waste disposal facilities of a terminal nature, where garbage, trash or other unwanted materials are abandoned, buried or otherwise discarded with no intention of re-use. This definition does not include disposal sites for hazardous waste materials.

Water Conserving Landscape. Landscaping that meets the standards of Sections 22.16.030 et seq. [Added 1999, Ord. 2863]

Watercourse. The normal channel or limits of an intermittent or perennial stream, or other body of water, with a well-defined bed and banks. [Amended 1999, Ord. 2863]

Wholesaling and Distribution (land use). Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchange wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products. (SIC: Groups 50, 511-516, 517, 518, 519)

Wind Energy Conversion System (WECS) (land use). Any device which converts wind energy to a form of usable energy. WECS producing electricity are included here; those used for direct climate control, water pumping or other conversion to mechanical or thermal power, are included under "Agricultural Accessory Structures." Transmission lines located off the site of the power plant are included under "Pipelines and Transmission Lines." Electrical substations are included under "Public Utility Facilities." (SIC: Group 49) (Amended 1989, Ord. 2411).

Window Sign. See "Sign, Window."

Wrecking Yard. See "Recycling Facility."

X. Definitions, "X." No specialized terms beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. See "Setback."

Z. Definitions, "Z."

Zero Lot Line Development. A residential project where dwelling units on individual lots of record are located so they all abut one side property line, without a setback. See Section 22.10.140, and Figure 80-7.

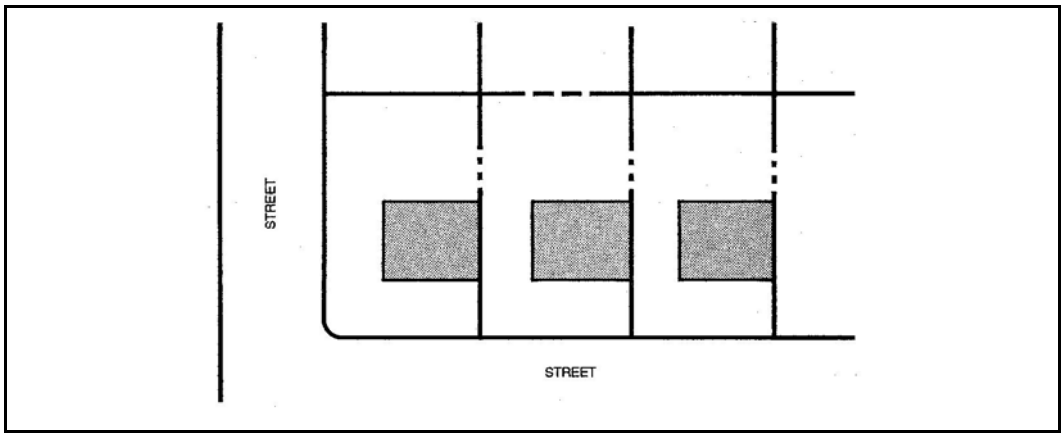

Figure 80-7 - Zero Lot Line Development

Zoning Administrator. The Director of Planning and Building or employee designated by the Director, in compliance with Section 22.70.020, Government Code Sections 65900 et seq. [Added 1992, Ord. 2553]

Zoning Ordinance. County of San Luis Obispo Ordinance No. 603 and all amendments thereto, the Zoning Ordinance in effect before the adoption of the Land Use Ordinance on December 18, 1980. [Added 1992, Ord. 2553]