ORDINANCE NO.____

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.07.042 RELATING TO WATER CONSERVATION IN THE PASO ROBLES GROUNDWATER BASIN AND THE NIPOMO MESA WATER CONSERVATION AREA

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

SECTION 1. Title 19, Chapter 19.07, Section 19.07.042 of the San Luis Obispo County Code, is hereby amended to read as follows:

Chapter 19.07 - Plumbing Code

19.07.042 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

(a) **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.

(b) **Existing structures.** In existing buildings all fixtures, including replacement water fixtures, shall conform to the above requirements. ~~In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria, except the Nipomo Mesa Water Conservation Area and the Los Osos Groundwater Basin as described in Subsections d and e.~~

~~1. A bathroom is added;~~

~~2. The floor area is increased by twenty per cent (20%) or more.~~

(c) **Other requirements.~~:~~**

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

(2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of 50 percent of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.

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

(d) **Paso Robles Groundwater Basin and Nipomo Mesa Water Conservation Area.**~~:~~ In addition to the requirements in Subsections a, b and c above, the requirements in Subsections d.1 through d.4 ~~in paragraphs (1) through (6) below~~ shall apply to all new development that uses water from the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), and the Nipomo Mesa Water Conservation Area as shown on maps in this Subsection. ~~in Figure 7-1.~~

~~1. The developer of any new structure that uses water from the Nipomo Mesa Water Conservation Area shall install plumbing fixtures that meet the following requirements:~~

~~i. Toilets rated at no more than 1.28 gallons per flush (HET);~~

~~ii. Showerheads rated at no more than 2.5 gallons per minute;~~

~~iii Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~

~~iv. Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty (20) pipe - feet from the hot water heater;~~

~~v. Commercial structures shall use waterless urinals;~~

~~vi. New residences shall have washing machines/laundry trays plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code (Greywater Systems).~~

~~2. Any remodel of an existing structure or addition to an existing structure that uses water from the Nipomo Mesa Water Conservation Area, that requires a construction permit pursuant to this Title, that is valued at $20,000 or more as determined by the Building Division of the Department of Planning and Building, and that is not solely for roof replacement or electrical work to bring the structure into compliance with this Title, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:~~

~~i. Toilets rated at no more than 1.28 gallons per flush (HET);~~

~~ii. Showerheads rated at no more than 2.5 gallons per minute;~~

~~iii. Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~

~~iv. All urinals in commercial structures shall be replaced with waterless urinals.~~

~~Toilets rated at no more than 1.6 gallons per flush are exempt from this requirement and do not have to be replaced.~~

~~3.~~ (1)

Offset Required. Prior to issuance of a construction permit for a new structure with plumbing fixtures on property that overlies and/or uses water from the Paso Robles Groundwater Basin,(excluding the Atascadero Sub-basin) or the Nipomo Mesa Water Conservation Area the developer of such new structure shall obtain an Offset Clearance from the Department of Planning and Building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development. Applicants shall meet offset requirements by complying with Subsection 2 or 3 below. ~~that use water from the Nipomo Mesa Water Conservation Area, the developer of such new structure shall provide evidence to the Department of Planning and Building that the plumbing fixtures in five (5) existing structures within the Nipomo Mesa Water Conservation Area with toilets rated at 3.5~~

~~or more gallons per flush have been retrofitted by replacing all toilets, showerheads and faucet aerators as follows:~~

~~i. Toilets rated at no more than 1.28 gallons per flush (HET);~~

~~ii. Showerheads rated at no more than 2.5 gallons per minute;~~

~~iii. Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~

~~iv. All urinals in commercial structures shall be replaced with waterless urinals.~~

~~v. Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use data to the Department of Planning and Building in order to gauge the effectiveness of the program to the extent allowed by California law.~~

~~1.~~

~~Upon retrofitting of the required number of plumbing fixtures, the developer shall submit evidence of the completed retrofits to the Department of Planning and Building. This evidence shall consist of a Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor.~~

~~Upon submittal to the Department of Planning and Building of a completed and executed Retrofit Verification Declaration accompanied by the required fee, the developer shall be issued a Water Conservation Certificate from the Department of Planning and Building. Once the Water Conservation Certificate is issued, a construction permit may be issued.~~

i. Applicability: Construction permits for development approved through discretionary permits in the Paso Robles Groundwater Basin (excluding the Atascadero sub-basin) shall instead comply with the offset ratio required in Section 22.94.025 of the Land Use Ordinance.

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

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

(3) **Alternatives.** As an alternative to a County Approved Water Conservation Program, or in areas where such a program is not available, applicants for new development may meet the offset requirements for their project through one of the following alternatives.

i) Applicant-performed plumbing retrofits. Applicants may meet the water offset requirement for their proposed project by retrofitting existing fixtures in homes within

the same groundwater basin as the proposed project. Applicants shall adhere to the following:

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

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

~~4. In lieu of retrofitting plumbing fixtures in existing structures as specified in subsection d.3., a developer of a new structure may instead pay to the Nipomo Community Services District (hereinafter referred to as the "District") the amount of $750.00 per toilet to be installed in the new structure. Prior to issuance of a building permit for the new structure specified in subsection d.3., a receipt for the payment to the District shall be submitted to the Department of Planning and Building.~~

~~5. The District shall use the in lieu fees specified in subsection d.4. for programs that result in measurable water conservation in the Nipomo Mesa Water Conservation Area, including but not limited to the following:~~

~~i. Subsidize toilet/showerhead retrofits.~~
~~ii. Subsidize interior water audits.~~
~~iii. Subsidize exterior water audits.~~
~~iv. Subsidize irrigation system changes that will save water pursuant to the results of a District-sponsored water audit.~~
~~v. Subsidize removal of high water-using turf and landscape materials and replacement with low water-using landscape material.~~
~~vi. Provide repairs to irrigation systems at a cost not to exceed $100.00 per parcel.~~

~~Fees collected from new development located within the District boundaries shall only be used for water conservation projects within the District. Fees collected from new development that is located outside of the District boundaries shall be used for water conservation projects outside of the District boundaries.~~

~~6.~~ ii. Water Conservation Program for Public Facilities. ~~As an alternative to Subsection d.4., a developer or developers~~ Applicants may choose to fund a water conservation program for public parks, school grounds or other public facilities in the same groundwater basin as the proposed project. ~~Nipomo Mesa Water Conservation Area~~. The program to be funded will have been prepared by a California-licensed landscape architect for ~~either~~ the County Parks Department, a school district ~~the Lucia Mar School District~~ or another public entity**,** as applicable. The program shall be reviewed and approved by ~~the Planning Director and~~ the owner of the public facility, and shall identify water savings and associated costs of conservation measures such as irrigation system replacement and/or repairs, installation of "smart controllers," removal of turf, replacement of high water using landscape material, and amendments to soils. The water conservation program shall clearly identify the expected water savings from implementation of the program. ~~Each contribution of $1,500 to the applicable public entity for the water conservation program will satisfy the requirement to retrofit plumbing fixtures in **five (5)** existing structures prior to issuance of a construction permit for each new structure, in accordance with subsection d.3.~~

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

(4) **Termination.** The provisions of this section for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) shall expire upon the effective date of a final and adopted Water Code section 10720 et seq. groundwater sustainability plan(s) by a local groundwater sustainability agency or agencies, covering the entirety of the Paso

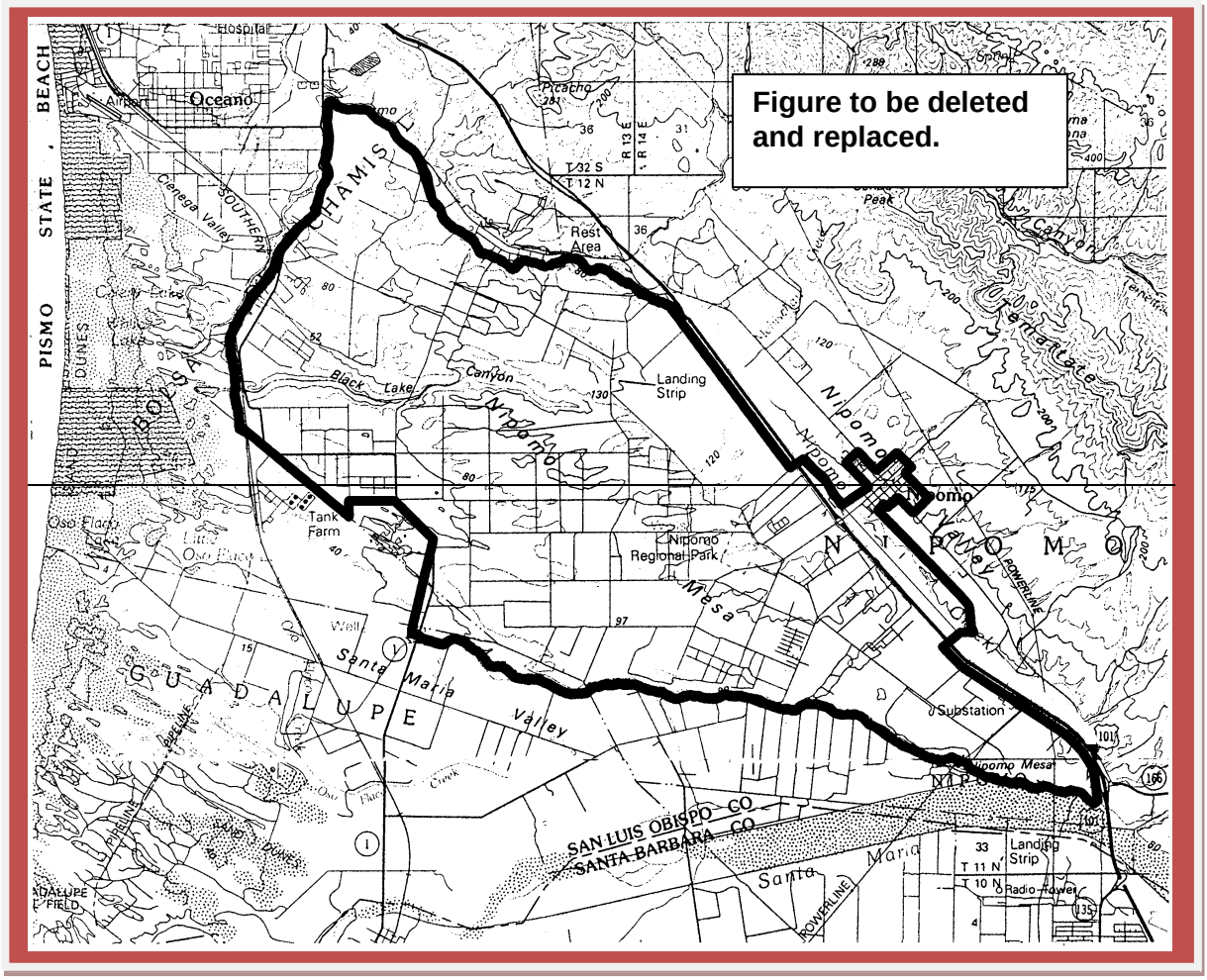
Robles Groundwater Basin within the land use jurisdiction of the County of San Luis Obispo.

(5) **Water Meter Installation and Reading**.

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

ii. Meter installation must be verified by the County Public Works Department prior to building permit issuance. The configuration of the installation shall conform to the Water Well Metering Standards and Installation Guidelines set forth by the Department of Public Works and incorporated into the Public Improvement Standards.

iii. Property owners or responsible party designated by the property owner must read the water meter and record the water usage on or near the first day of the month. These records must be maintained by the property owner or responsible party and may be subject to inspection only by code enforcement pursuant to a violation investigation.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Black Lake Canyon
Landing Strip
Nipomo
Nipomo Mesa
Tank Farm
Nipomo Regional Park
NIPOMO
Oso Flaco Lake
Well
Santa Maria Valley
GUADALUPE
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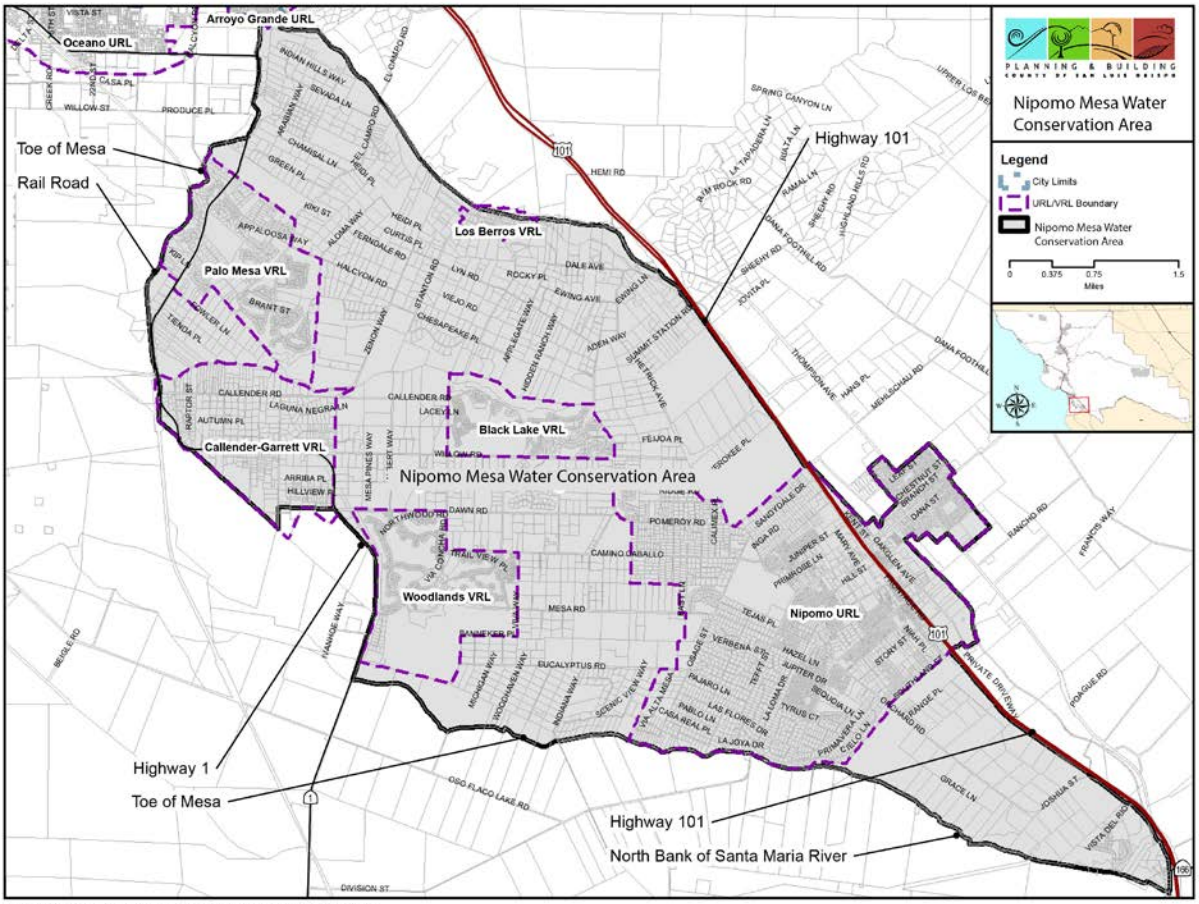
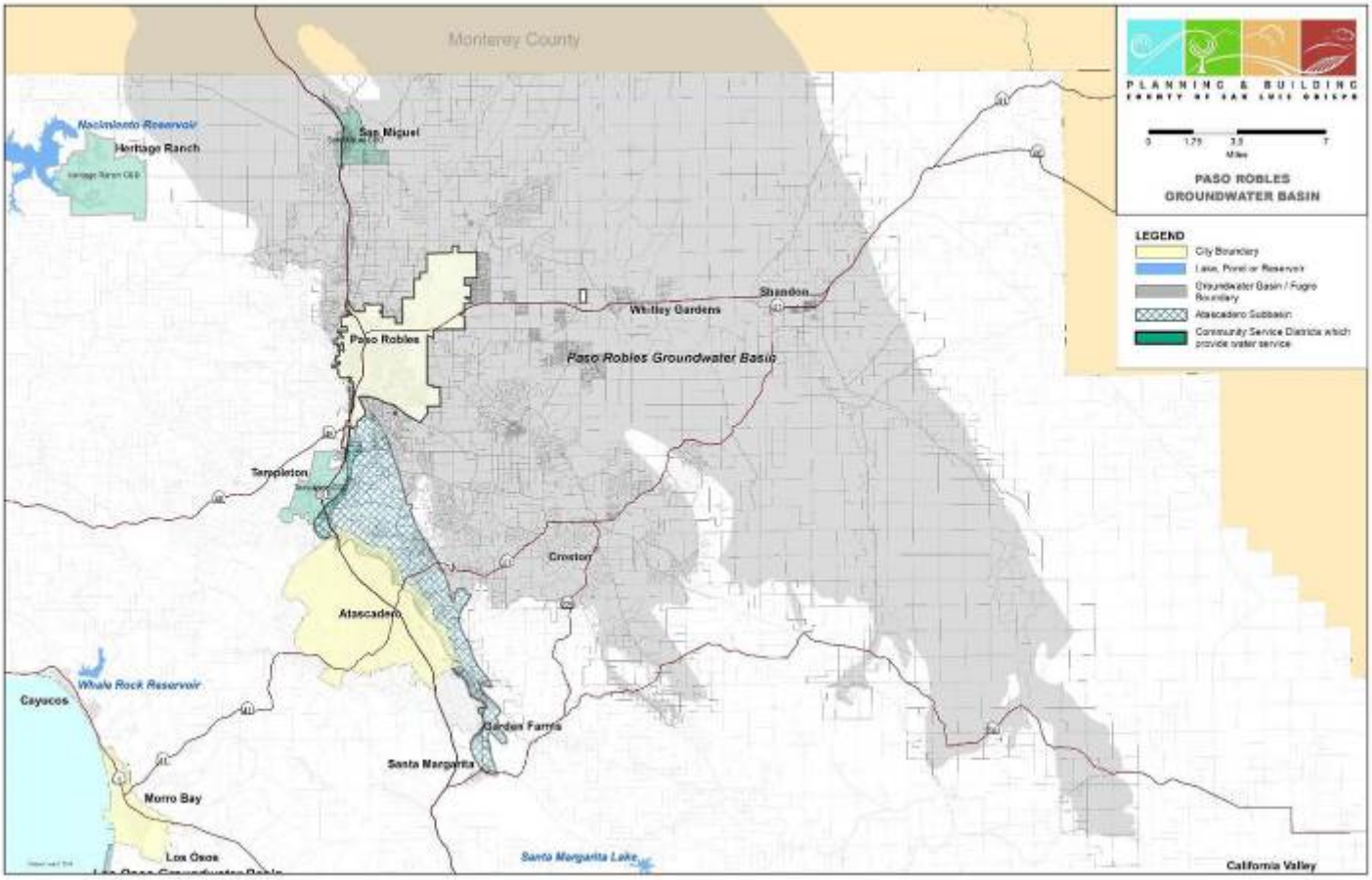


Sources: County of San Luis Obispo Planning and Public Works Departments, 2014
Map created September 24, 2014

Figure 7-1 – Nipomo Mesa Water Conservation Area



<u>Figure 7-2 – Paso Robles Groundwater Basin Excluding the Atascadero Sub-basin</u>

(e) Los Osos Groundwater Basin. In addition to the requirements in subsections (a), (b) and (c) above, the requirements in subsections (e)(1) through (e)(10) below shall apply to all new development that uses water from the Los Osos groundwater basin shown in Figure 7-~~2~~3.

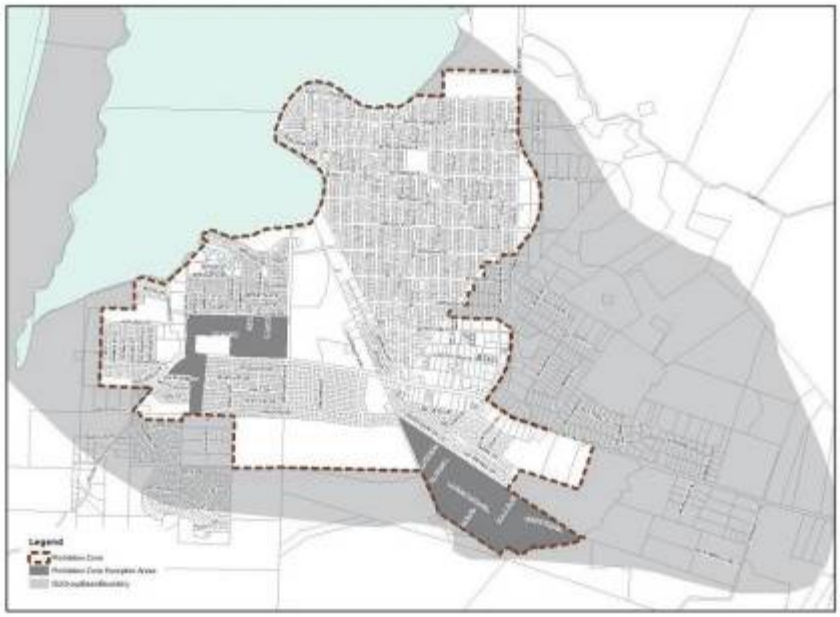


Figure 7-~~2~~3. Los Osos Groundwater Basin and Prohibition Zone, not to scale

(1) The developer of any new structure that uses water from the Los Osos groundwater basin shall install plumbing fixtures that meet the following requirements:

i. Toilets rated at no more than 1.28 gallons per flush (HET);

ii. Showerheads rated at no more than 2.0 gallons per minute;

iii. Bathroom sink aerators with a volume of no more than one gallon per minute;

iv. Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty pipe-feet from the hot water heater;

v. Commercial structures shall use urinals rated at no more than 0.5 gallons per flush;

vi. New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code.

(2) Prior to issuance of a construction permit for a new structure with plumbing fixtures that use water from the Los Osos groundwater basin, the developer of such new structure shall retrofit plumbing fixtures in existing structures within the Los Osos groundwater basin, but outside the Prohibition Zone as shown in figure 7-~~2~~3 The number and type of plumbing fixtures to be installed shall be as required in the equivalency table as adopted and codified in Appendix A. The equivalency table indicates the point values of existing fixtures which may be retrofitted and the corresponding

point requirements for each newly constructed or remodeled structure. A package of proposed retrofits and water conservation requirements must add up to no less than the minimum requirements established in Appendix A.

(3) Any addition of one hundred twenty square feet or more to an existing structure that uses water from the Los Osos groundwater basin shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

i. Toilets rated at no more than 1.28 gallons per flush (HET);

ii. Showerheads rated at no more than 2.0 gallons per minute;

iii. Bathroom sink aerators with a volume of no more than one gallon per minute;

iv. All urinals in commercial structures shall be replaced with urinals rated at no more than 0.5 gallons per flush.

(4) Any remodel of an existing structure that uses water from the Los Osos groundwater basin that requires a construction permit pursuant to this title, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

i. Toilets rated at no more than 1.28 gallons per flush (HET);

ii. Showerheads rated at no more than 2.0 gallons per minute;

iii. Bathroom sink aerators with a volume of no more than one gallon per minute;

iv. All urinals in commercial structures shall be replaced with urinals rated at no more than 0.5 gallons per flush.

(5) The planning director (or designee) is authorized to make determinations for fixtures or projects not specifically designated in the equivalency table in Appendix A.

(6) The equivalency table in Appendix A may be amended by the planning director from time to time to reflect changes in water use and/or water savings.

(7) Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use figures to the department of planning and building in order to gauge the effectiveness of the program to the extent allowed by California Law.

(8) Upon retrofitting of the required number of fixtures, the developer shall submit evidence of the completed retrofits to the department of planning and building. This evidence shall consist of a retrofit verification declaration completed and executed by a licensed plumber and/or contractor. The retrofit verification declaration shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel.

(9) Upon submittal to the San Luis Obispo County department of planning and building of a completed and executed retrofit verification declaration accompanied by the required fee, the developer shall be issued a water conservation certificate from the department of planning and building. Once the water conservation certificate is issued, the new structure may receive final occupancy approval. The water conservation certificate shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel, except as provided in the following subsection (e) (10).

(10) Water Conservation Certificates that were issued for vacant parcels inside the Prohibition Zone prior to the effective date of this ordinance may be transferred to specified vacant parcels or land use permits for vacant parcels outside the Prohibition Zone one time before January 1, 2019, except when the County is in a drought emergency as proclaimed by the Board of Supervisors. These water conservation certificates are encouraged to be transferred to vacant parcels with approved Minor Use Permits.