COUNTY OF SAN LUIS OBISPO

COASTAL ZONE LAND USE ORDINANCE

TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE

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ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
March 1, 1988, Ordinance 2344

Certified by the California Coastal Commission
October 7, 1986

Revised November 2013

COUNTY OF SAN LUIS OBISPO

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THIS ORDINANCE WAS PREPARED WITH FINANCIAL ASSISTANCE FROM THE CALIFORNIA COASTAL COMMISSION UNDER THE PROVISIONS OF THE COASTAL ACT OF 1976.

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COUNTY OF SAN LUIS OBISPO

Adopted March 1, 1988, Ordinance 2344

Amended

March 14, 1989	Ord. 2383
June 18, 1991	Ord. 2445
June 18, 1991	Ord. 2472
August 20, 1991	Ord. 2522
March 10, 1992	Ord. 2540
May 5, 1992	Ord. 2546
May 5, 1992	Ord. 2547
September 8, 1992	Ord. 2570
October 27, 1992	Ord. 2579
October 27, 1992	Ord. 2584
December 15, 1992	Ord. 2591
February, 23, 1993	Ord. 2603
September 7, 1993	Ord. 2635
December 14, 1993	Ord. 2649
August 23, 1994	Ord. 2688
October 4, 1994	Ord. 2694
November 7, 1995	Ord. 2715
November 7, 1995	Ord. 2719
December 5, 1995	Ord. 2740
October 19, 1999	Ord. 2885
August 22, 2000	Ord. 2913
February 6, 2001	Ord. 2933
April 8, 2003	Ord. 2995
June 3, 2003	Ord. 2999
June 3, 2003	Ord. 3001
March 16, 2004	Ord. 3025
November 2, 2004	Ord. 3048
April 4, 2006	Ord. 3082
September 12, 2006	Ord. 3098
December 19, 2006	Ord. 3109
December 19, 2006	Ord. 3112
November 4, 2008	Ord. 3165
January 25, 2011	Ord. 3170
August 24, 2010	Ord. 3200
April 17, 2012	Ord 3226

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23.01.010 - Title and Purpose:

This title is known as the Coastal Zone Land Use Ordinance of the county of San Luis Obispo, Title 23 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:

23.01.010 - 022

a. To implement the San Luis Obispo County General Plan and the San Luis Obispo County Local Coastal Program, and to guide and manage the future growth of the county in accordance with those plans; and

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

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; and

d. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the county general plan.

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

23.01.020 - Adoption:

The Coastal Zone Land Use Ordinance is adopted pursuant to 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; the California Environmental Quality Act; Coastal Act; Housing Act, the Subdivision Map Act, the Health and Safety Code, and the Surface Mining and Reclamation Act.

23.01.022 - Maps and Text Included by Reference:

To effectively implement the policies of the San Luis Obispo County General Plan and San Luis Obispo County Local Coastal Program, the following documents, including but not limited to 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, pursuant to Sections 65800 et seq. of the Government Code, as though they were fully set forth here:

a. Land use element provisions:

(1) Land use categories. The land use categories described in Chapter 7, Part I of the Land Use Element.

(2) Allowable uses and definitions. The charts showing the uses of land which may be established in the land use categories, and the definitions of such uses identified as Coastal Table O and Section D, respectively, in Chapter 7, Part I of the Land Use Element.

(3) Combining designations. The combining designations described in Chapter 8, Part I of the Land Use Element as supplemental categories used on the official maps to identify areas of the county 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

(4) **Planning area standards.** The requirements affecting land use, and any informational maps accompanying such requirements, which are set forth in the various area plans comprising Part II of the Land Use Element identified as "planning area standards"; and

(5) **Official maps.** Those certain maps identified as the Official Land Use Maps of San Luis Obispo County, Part III of the Land Use Element, on file in the Planning Department.

b. **Local Coastal Plan provisions:** The following portions of the San Luis Obispo County Local Coastal Plan (the policy document portion of the land use plan prepared as part of the San Luis Obispo County Local Coastal Program) adopted by Board of Supervisors Resolution 88-115 and all amendments thereto:

(1) **Local Coastal Plan policies:** The policies contained in Part 2 of the San Luis Obispo County Local Coastal Plan, and Part 3, Appendices D and E.

(2) **Environmentally Sensitive Habitat maps:** The combining designation maps adopted as part of the Local Coastal Plan showing areas known at that time to be sensitive habitats for plant and animal life, on file in the San Luis Obispo County Planning Department.

(3) **Archaeological resource maps:** The maps adopted as part of the Local Coastal Plan showing areas of known or suspected archaeological resources, on file in the San Luis Obispo County Planning Department.

[Amended 2004, Ord. 3048]

c. **Building line maps.** Those certain maps adopted pursuant to the prior zoning ordinance (Section 22.06.060c) for the purpose of 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.

[Amendment 2006, Ord. 3082]

23.01.023 - Open Space Zoning:

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 Open Space Plan, and shall constitute the Open Space Zoning Ordinance of San Luis Obispo County pursuant to Sections 65910 et seq. of the Government Code:

a. The Agriculture, Rural Lands, Recreation and Open Space land use categories; and the Flood Hazard, and Sensitive Resource Area combining designations of the Land Use Element;

b. Chapter 23.07 (Combining Designations) and Sections 23.04.020 et seq. (Parcel Size) of the Land Use Ordinance.

23.01.030 - Applicability of the Coastal Zone 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 located in the California Coastal Zone established by the California Coastal Act of 1976, as

provided by this section. When a proposed land use is located outside the Coastal Zone, land use permit requirements and applicable development standards are determined by the Land Use Ordinance, Title 22 of this code.

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. **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, unless an alteration, expansion or modification to an existing use is proposed which requires a land use permit pursuant to this title. [Amended 1992, Ord. 2570]

c. **Land divisions.** This title (including applicable planning area standards adopted by reference as part of this title by Section 23.01.022) determines the minimum parcel size for new land divisions. Title 21 of this code contains the specific procedures and requirements for the land division process, including compliance with coastal development permit requirements.

d. **Public roads.** The provisions of this title are not applicable to the repair and maintenance of public roads within road rights-of-way by the county of San Luis Obispo or its contractors, except where a permit may be required by Chapter 23.03 of this title.

e. **Permits issued under the Zoning Ordinance and Land Use Ordinance.** This section determines how the Coastal Zone Land Use Ordinance affects land use permits issued before adoption of this title under the provisions of Ordinance 603 (the Zoning Ordinance of the County of San Luis Obispo) or Title 22 of this code (the Land Use Ordinance) and all amendments thereto, and land use permits issued before amendments to this title or the Land Use Element/Local Coastal Plan which have changed land use permit requirements or allowable uses of land.

(1) **Entitlements consistent with the Coastal Zone Land Use Ordinance.** All building permits, departmental review approvals, conditional use permits, development plans, variances, plot plan or site plan approvals issued under the Zoning Ordinance or Title 22 of this code which authorized uses that were established before the effective date of Title 22 or this title, and are still allowed in their locations by the Land Use Element, shall be deemed to have been issued pursuant to this title as set forth in subsections (i) through (vi) of this section, provided that a coastal development permit as required by the Coastal Act has also been obtained for each approved use.

(i) An approved building permit shall be treated for all purposes as if it were a Plot Plan approval; a Plot Plan approved under Title 22 shall be treated as a Plot Plan approval under this title.

(ii) An approved departmental review shall be treated for all purposes as if it were a Minor Use Permit approval (if Minor Use Permit approval would now be required to authorize such use under the provisions of this title), and as a Development Plan

approval if such use would now be required by this title to be authorized by Development Plan approval.

(iii) A site plan approved under the provisions of Title 22 shall be treated for all purposes as if it were a Minor Use Permit approval (if Minor Use Permit approval would now be required to authorize such use under the provisions of this title), and as a Development Plan approval if such use would now be required by this title to be authorized by Development Plan approval.

(iv) Approved conditional use permits or development plans shall be treated for all purposes as if they were Development Plan approvals.

(v) An approved variance shall be treated for all purposes as if it were a variance issued under this title.

(vi) Any construction, expansion or alteration of such uses 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 be done in accordance with all applicable provisions of this title, or any conditions of approval adopted with the original entitlement, whichever are more restrictive.

(vii) Any conditions of approval adopted with any of the entitlements set forth in this subsection are to remain in full force and effect, except that such conditions shall be superseded by any applicable provisions of this title that are more restrictive.

Any approved use that was lawfully established within the Coastal Zone prior to the effective date of this title which has not also been authorized by a coastal development permit shall be deemed to be a nonconforming use of land pursuant to Chapter 23.09 of this title.

(2) **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 or any amendment to the Land Use Element/Local Coastal Plan or this title which changes allowable uses of land, land use permit requirements or other applicable provisions of this title, as follows:

(i) **Coastal Development Permit.** Where construction or establishment of the use has not been commenced or completed as of the effective date of this title, provided the coastal development permit required by the Coastal Act has been obtained or the proposed development was subject to a categorical exclusion or other exemption from the permit requirements of the Coastal Act.

(ii) **Building Permit.** Construction is commenced and substantial site work (Section 23.02.042) has been completed or the time period for construction of the proposed development has not yet expired pursuant to the terms of a valid county permit.

(3) **Land use permits void.** Any of the land use permits described in subsection (1) of this section

that were approved before the effective date of this title, which authorized land uses that would not be allowed in their present locations by this title, are hereby repealed and deemed void.

(4) **Effect of void entitlement:** In any case where an entitlement is deemed void pursuant to subsection e(3) of this section, the effect on an approved land use of its entitlement becoming void shall be as follows:

(i) **Existing use.** A use established before the effective date of this title shall become a legal nonconforming use subject to all applicable pro-visions of Chapter 23.09 (Nonconforming Use), provided that any conditions of approval applicable to the use shall remain in full force and effect.

(ii) **Non-existing use.** A use of land authorized by an entitlement that became void pursuant to subsection e(3) of this section, for which substantial site work has not been completed as of the effective date of this title (see Section 23.02.042 - Substantial Site Work Defined), shall be prohibited except as provided by subsection e(2) of this section.

[Amended 1995, Ord. 2715]

23.01.031 - Land Use and Coastal Development Permits Required:

Except as otherwise provided by this section, no person shall establish, construct, alter or replace any use of land, structure or building without first obtaining all permits required by Chapter 23.03 or other applicable section of this title. Approval of a land use permit pursuant to this title also constitutes approval of a Coastal Development Permit in compliance with the San Luis Obispo County Local Coastal Program and California Coastal Act. All development undertaken after January 31, 1973, within the Coastal Zone as defined in the Coastal Initiative of 1972, or after December 31, 1977, within the Coastal Zone as defined by the Coastal Act of 1976, shall have a valid coastal development permit issued by the California Coastal Commission or by the county pursuant to this title. Nothing in this section, or other sections of this title which exempts specific land uses from land use permit requirements, shall be construed as exempting construction activities from the necessity of obtaining building, electrical, plumbing or other permits if required by Title 19 or other titles of this Code, or grading permits if required by Section 23.05.020 et seq. of this title. [Amended 1995, Ord. 2715]

23.01.032 - Jurisdiction Over Development Before LCP Certification.

The purpose of this section is to determine whether the county or the Coastal Commission has coastal development permit jurisdiction over development which was approved before the Coastal Commission delegated coastal development permit jurisdiction to the county.

a. **Development approved by the Coastal Commission.** Any addition to development completed under the authority of a Commission-issued permit shall be reviewed by the county through an application for a new permit processed pursuant to this title, unless the Commission determines that the addition is contrary to any term or condition of the Commission-issued permit.

b. Proposals pending at time of LCP certification:

(1) Any development proposal which the county approved before certification of the Local Coastal Program but which has not been submitted to the Coastal Commission for approval shall be re-submitted to the county through an
application for a permit pursuant to this title. The decision on the application shall be based solely on the requirements of this title.

(2) Any development proposal which the county approved before certification of the Local Coastal Program and for which an application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Commission for completion of review and permit issuance. Commission review of any such application shall be based on the provisions of the certified Local Coastal Program. Alternatively, the applicant may re-submit the proposal to the county through an application for a permit pursuant to this title, and the decision on the application shall be based solely on the provisions of this title. Projects which elect to obtain a coastal permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in subsection a. above.

23.01.033 - Consistency with the Land Use Element and Local Coastal Plan Required:

No new use of land, buildings, division of land or other development shall be established, and no application for such use, land division or other permit required pursuant to this title shall be approved, unless the proposed use or division is determined to be allowable in the land use category where the proposed site is located, pursuant to subsections a through e of this section. When an application is accepted for processing pursuant to this section and Section 23.02.020 (Applications and Procedures) et seq., such application shall not be approved unless: [Amended 1995, Ord. 2715]

a. The proposed use is identified as an "A", "S" or "P"use by Table O, Part I of the Land Use Element in the land use category where the site for the proposed use is located, or the proposed parcel size in a land division is within the range of parcel sizes allowed for the land use category by Sections 23.04.024 et seq. of this title; and

b. The proposed use or division satisfies the standards of the Land Use Element (Part II) applicable to the specific planning area in which the site is located, including any standards may limit the type of land uses or parcel sizes normally allowable in a given land use category; and

c. The proposed use or division satisfies any combining designation planning area standards applied to the site by the Land Use Element (Part II), including any such standards that may limit the type of land uses or parcel sizes normally allowable in a given land use category.

d. The proposed use or division satisfies any policies, programs and standards contained in the Local Coastal Plan Policy Document (except for Appendices a, b, and c) that are applied to the site or the proposed development by provisions of Chapter 23.04 or 23.08 or other applicable provision of this title.

e. The proposed use or division satisfies the terms, conditions and other requirements of all implementing regulations adopted as part of the Local Coastal Program including but not limited to any categorical exclusion.

[Amended 1995, Ord. 2715]

23.01.034 - 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 pursuant to 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 provisions 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. [Amended 1995, Ord. 2715]

d. **Conflicts with other requirements.** If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail.

23.01.038 - Fees Required:

Any permit application or request filed with the Planning Department pursuant to this title shall be accompanied by the required filing fee at the time of submittal. The required filing fee is determined by the County Fee Ordinance.

23.01.039 - 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 or 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 shall be as set forth in Section 23.10.022 of this title.

23.01.040 - Administration of the Coastal Zone Land Use Ordinance:

This title shall be administered by the Planning Director, who will advise the public about its requirements. The responsibilities of the Planning Director under this title include but are not limited to the following functions, which may be carried out by Planning 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, Planning Commission or Board of Supervisors (as applicable); and [Amended 1992, Ord. 2584]

b. **Zoning administration.** Function as zoning administrator pursuant to the authority established by Sections 65900 et seq. of the Government Code in the conduct of hearings and the issuance of discretionary entitlements where provided by this title.

c. **Permit issuance.** Issue permits under this title and certify that all such 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.** Pursuant to Section 23.01.050 (Amendment), petition the Board of Supervisors to initiate amendment of this title when such 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 pursuant to Chapter 23.10 (Enforcement).

23.01.041 - Rules of Interpretation:

Any questions about the interpretation or applicability of any provision of this title, are to be resolved as provided by this section.

a. **Effect of provisions:**

(1) **Minimum requirements:** The regulations and standards set forth in this title are to 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 are to 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, regulations or by covenants, easements or agreements, these regulations shall control.

b. 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.

(2) Definitions. Definitions of the specialized terms and phrases used in this title are contained in Chapter 23.11, or in certain other sections of this title where the terms and phrases are actually 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 as set forth in this title, such hour shall be standard time or daylight savings time, whichever is in current use in the county.

(4) Number of days: Whenever a number of days is specified in this title, or in any permit, condition of approval or notice issued or given as set forth in this title, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days. Whenever 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 period of time is a holiday, then such period shall be extended to and shall include the next day which is not a holiday. The term "holiday" as used herein, shall mean Saturday, Sunday and all days where 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 such quantities in the form of whole numbers only, such numbers are to be rounded to the next highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5; provided, however, that quantities expressing areas of land are to be rounded only in the case of square footage, and are not to be rounded in the case of acreage.

(6) Site area measured: For any uses that require a minimum site area, the area used shall be the net site area (as defined in Chapter 23.11 as "Site Area, Net"). For parcels of one acre or greater, site area greater than or equal to .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 .90 acres net would <u>not</u> be considered as conforming to a one acre net site area requirement.

c. 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 such questions in the event that planning area standards (Part II of the Land Use Element), 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 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 Planning Department, based upon the character and exact location 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 Development Plan review and approval (Section 23.02.034), before any development.

(5) In other cases where boundaries are not related to property lines or contours, planning area standards of the Land Use Element 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 Chapter 8, Part I of the Land Use Element.

d. Allowable uses:

(1) Where a proposed land use is not specifically listed in Section D, Chapter 7, Part I of the Land Use Element, the Planning Director will review the proposed use when requested to do so by letter and, based upon the characteristics of the use,
determine which of the uses listed in the Land Use Element definitions is equivalent to that proposed.

(2) Upon a written determination by the Planning 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 Planning Department, and will be considered for incorporation into the Land Use Element in the next scheduled general plan amendment.

(4) At the discretion of the Planning Director, allowable use interpretation requests may be forwarded to the Planning Commission for determination. Determinations by the Planning Director may be appealed to the Planning Commission as set forth in Section 23.01.042.

(5) In the event that a proposed use is found by the Planning Director (or by the Planning Commission or Board of Supervisors in an appeal), to be not equivalent to any listed use, the proposed use shall be deemed not allowed.

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

f. **References to state law sections.** The actual language of the provisions of California State Law take precedence over any paraphrased versions, outdated quotations, or any other allusions to state law contained in this title.

g. **Determination of applicable notice and hearing procedures.** The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the county at the time the application for development within the Coastal Zone is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and provisions of this title which are adopted as part of the Local Coastal Program. Where an applicant, interested person or the county has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

(1) The Planning Director shall make his/her determination as to what type of development is being proposed (i.e., categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.

(2) If the determination of the Planning Director is challenged by the applicant or an interested person, or if the county wishes to have a determination by the Coastal Commission as to the appropriate designation, the Planning Director shall notify the Coastal Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

[Amended 1995, Ord. 2715]

23.01.042 - Appeal:

Decisions of the Planning Department or Planning 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 Planning 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 Planning Director, who shall process the appeal pursuant to this section, including scheduling the matter before the appropriate hearing body.

(2) Report and hearing. When an appeal has been filed, the Planning Director will prepare a report on the matter, and cause the appeal to be scheduled for consideration by the appropriate hearing body identified in subsection b of this section at its next available meeting after completion of the report.

(3) Action and findings. After holding a public hearing pursuant to Section 23.01.060 (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. Such 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 appropriate Review Authority or by written request of the individual or group that generated the appeal. The date on which the appeal is withdrawn shall constitute the effective date of the permit and initiate the final action notice period established by Section 23.02.036.

(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 Development Plan approval where allowed by Chapters 23.04 or 23.08 of this title, shall be processed according to the procedures of Sections 23.01.044 and 23.01.045; Chapter 2 of the Land Use Element; Section 23.01.050, and Chapters 23.04 and 23.08, 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) Planning Department decisions: The following decisions of the Director of Planning and Building and Planning Department staff may be appealed to the Planning Commission:

(i) Determinations on the meaning or applicability of the provisions of this title which are believed to be in error, and cannot be resolved with staff;

(ii) Any determination that a land use permit application or information submitted with such application is incomplete (as provided by Government Code Section 65943);

(iii) Any determination of consistency with the Land Use Element;

(iv) Any decision by the Director of Planning and Building to revoke an approved Plot Plan.

(2) **Planning Commission or Zoning Administrator decisions:** Any decision of the Planning Commission or the Zoning Administrator pursuant to this title may be appealed to the Board of Supervisors. The decision of the Board of Supervisors shall be final, except where such decision is appealed to the Coastal Commission as set forth in Section 23.01.043.

(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 of Supervisors. The decision of the Board of Supervisors shall be final, except where such decision is appealed to the Coastal Commission as set forth in Section 23.01.043.

c. **Notice of Final County Action on appeals within the Coastal Zone.** Where an appeal has been filed and decided pursuant to this section on a project that is appealable to the Coastal Commission as set forth in Section 23.01.043, the county shall provide Notice of Final Action on the project as set forth in Section 23.02.036.

d. **Effective date of appeal decision.** Except where otherwise provided by Section 23.02.039 for projects that may be appealed to the Coastal Commission, a decision by the Board of Supervisors on an appeal shall be effective as of the date the decision is reached, and a decision on an appeal by the Planning Commission shall be effective on the 15th day following the decision, when no appeal to that decision has been filed with the Board of Supervisors.

[Added 1992, Ord. 2584; Amended 1995, Ord. 2715; Amended 2004, Ord. 2999; Ord.. 3001]

23.01.043 - Appeals to the Coastal Commission.

Decisions by the Planning Department, Planning Commission or Board of Supervisors on developments within the Coastal Zone may be appealed to the California Coastal Commission as set forth in this section.

a. **Status of appellant:**

(1) **Who may appeal.** An appeal may be filed by an applicant, any aggrieved person, or two members of the Coastal Commission pursuant to California Public Resources Code (PRC) Section 30625.

(2) **Aggrieved person defined:** As set forth in Public Resources Code Section 30801, an aggrieved person is: anyone who, either in person or through a representative who was explicitly identified as such, appeared at a public hearing before the Planning Director, Planning Commission or Board of Supervisors in connection with the decision or appeal of any development, or who by other appropriate means prior to a hearing, informed the county of the nature of his or her concerns, unless for good cause was unable to do either. Aggrieved person also includes the applicant for a permit.

b. **Exhaustion of local appeals required.** For an action on coastal development permit applications that may be appealed to the Coastal Commission as set forth in subsection c of this section, an applicant or aggrieved party may appeal a county action on a coastal development application to the Coastal Commission only after all possible local appeals pursuant to Section 23.01.042 have been exhausted. This limitation shall not apply to any circumstance identified in Section 13573 of Title 14 of the California Code of Regulations, including:

(1) A situation where an appellant was denied the right of appeal pursuant to Section 23.01.042 because county notice and hearing procedures for the action on the development did not comply with the provisions of Title 14, Division 5.5, Chapter 8, Subchapter 2 of the California Code pf Regulations; or

(2) An appeal of a county decision by two members of the Coastal Commission pursuant to Public Resources Code Section 30625. Provided, however, that notice of Commissioners appeals shall be transmitted to the Board of Supervisors pursuant to Title 14 of the California Code of Regulations Section 13573(b) and the appeal to the Commission may be suspended pending a decision on the merits of the appeal by the Board of Supervisors. If the 23.01.043 decision of the Board modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision.

(3) Where the County charges a fee for the filing or processing of appeals of actions on coastal development projects.

c. **Appealable development.** As set forth in Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following projects may be appealed to the California Coastal Commission:

(1) Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

(2) Approved developments not included in subsection c(1) of this section that are proposed to be located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved in areas not included in subsections c(1) or c(2) that are located in a Sensitive Coastal Resource Area, which includes:

(i) Special marine and land habitat areas, wetlands, lagoons, and estuaries mapped and designated as Environmentally Sensitive Habitats (ESHA) in the Local Coastal Plan. Does not include resource areas determined by the County to be Unmapped ESHA.

(ii) Areas possessing significant recreational value, including any "V" (Visitor Serving designation) as shown in the Land Use Element and areas in or within 100 feet of any park or recreation area.

(iii) Highly scenic areas which are identified as Sensitive Resource Areas by the Land Use Element.

(iv) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(v) Special Communities or Small-Scale Neighborhoods which are significant visitor destination areas as defined by Chapter 23.11 of this title.

(vi) Areas that provide existing coastal housing or recreational opportunities for low-and moderate income persons.

(vii) Areas where divisions of land could substantially impair or restrict coastal access.

The procedures established by Section 23.01.041c (Rules of Interpretation) shall be used to resolve any questions regarding 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, including for the purpose of determining the appealability of a development within a sensitive Resource Area.

(4) Any approved development not listed in Coastal Table O, Part I of the Land Use Element as a Principal Permitted (P) Use.

(5) Any development that constitutes a Major Public Works Project or Major Energy Facility. "Major Public Works Project" or "Major Energy Facility" shall mean any proposed public works project or energy facility exceeding $100,000 in estimated construction cost, pursuant to Section 13012, Title 14 of the California Administrative Code.

[Amended 2004, Ord. 3048]

d. **Grounds for appeal.** As required by Section 30603 of the Public Resources Code, the grounds for appeal pursuant to this section shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the California Coastal Act (Section 30210 et seq. of the Public Resources Code).

The grounds for appeal of a denial of a permit pursuant to section c(5) (Major Public Works or Major Energy Facility) shall be limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program and the public access policies set forth in the California Coastal Act (Section 30210 et seq. of the Public Resources Code).

e. **Time for appeal to Coastal Commission.** Any final action by the county on an appealable development shall become effective after the 10-working day appeal period to the Commission in accordance with the requirements of Section 23.02.039 and applicable provisions of the Coastal Act.

f. **Notice to county of appeal to Coastal Commission.** An appellant shall notify the county when appealing to the Coastal Commission by providing the county a copy of the information required in Section 13111 of Title 14 of the California Code of Regulations.

[Amended 2004, Ord. 2999; Amended 2004, Ord. 3001, Amendment 2006, Ord. 3082]

23.01.044 - Adjustment:

a. **When allowed:** When a standard of Chapter 23.04, 23.05 or 23.08, or a planning area standard of the Land Use Element identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. (For example, Section 23.04.108a(3) 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 is to be filed with the Planning Department in the form of an attachment to the project application, with appropriate supporting materials. The request is to specify the Coastal Zone 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 Planning Department unless the request is within the range of adjustments prescribed in the standard. A request for adjustment shall be approved by the Planning Director when the director finds that the criteria for adjustment specified in the subject standard are satisfied.

23.01.045 - Variance:

A variance from the strict application of the requirements of this title may be requested as provided by this section. For the purposes of this title, a variance is a land use permit.

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 23.04 or 23.08 of this title below the range of parcel sizes specified by Part I of the Land Use Element for the land use category in which the subject site is located; or

(2) Authorize land uses other than those normally identified as allowable in a particular land use category by Coastal Table O, Part I of the Land Use Element, planning area standards of the Land Use Element, Chapter 22.08 or other chapter of this title, pursuant to Government Code Section 65906.

b. **Application:** A written application for variance shall be filed with the Planning Department on the form provided, accompanied by all graphic information required for Plot Plans by Section 23.02.030b (Plot Plan Content), and any additional information necessary to explain the request. Acceptance of the application is subject to Section 23.01.033a (Consistency with the Land Use Element Required), and 23.02.022 (Determination of Completeness).

c. **Notice and hearing.** After acceptance of a variance application and completion of a staff report, the Planning Commission will conduct a public hearing on the variance request. The notice and scheduling of the hearing shall be pursuant to Section 23.01.060 (Public Hearing).

d. **Action on a variance.** The Planning Commission shall approve, approve subject to conditions, or disapprove a variance as set forth in this subsection. Such decision may be appealed to the Board of Supervisors as set forth in Section 23.01.042 (Appeal).

(1) **Findings.** Approval or conditional approval may be granted only when the Planning Commission first determines that the variance satisfies the criteria set forth in Government Code Section 65906 by finding that:

(i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situation; and

(ii) 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

(iii) The variance does not authorize a use that is not otherwise authorized in the land use category; and

(iv) The variance is consistent with the provisions of the Local Coastal Program; and

(v) The granting of such application 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, such conditions shall be adopted as are deemed necessary to enable making the findings set forth in Section 23.01.045d(1).

(3) **Notice of Final Action.** Where the variance request is appealable to the Coastal Commission pursuant to Section 23.01.043, a Notice of Final Action on the variance shall be provided as set forth in Section 23.02.036d.

e. **Effective date of variance.** Except where otherwise provided by Section 23.01.043c for projects that may be appealed to the Coastal Commission, an approved variance shall become effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day after the act of Planning Commission approval; unless an appeal to the Board of Supervisors is filed as set forth in Section 23.01.042.

f. **Time limits and extensions.** An approved variance is subject to the time limits, extension criteria and other provisions of Sections 23.02.040 through 23.02.052 of this title.

[Amended 1995, Ord. 2715, Amended 2004, Ord. 3001]

23.01.050 - Amendment:

The Local Coastal Program (including this title) may be amended whenever the Board of Supervisors deems that public necessity, convenience, or welfare require, pursuant to the procedures set forth in this section.

a. **Initiation of amendment.** Amendments may be initiated by the Board of Supervisors upon its own motion; or by the Board of Supervisors upon acceptance of a petition from any interested party, including the Planning Director and/or Planning Commission. Petitions shall include a description of the benefit to be derived as a result of the amendment. The Board of Supervisors may refer a proposed amendment to the Planning Director and/or Planning Commission for response before deciding whether to initiate the amendment.

b. **Planning Commission Hearing:** The Planning Commission will hold a public hearing on any proposed amendment to this title pursuant to Section 23.01.060. The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the Planning Director, and adopt a recommendation to the Board of Supervisors.

c. **Planning Commission Recommendation:** After the public hearing, the Planning Commission shall submit a written recommendation to the Board of Supervisors on the proposed amendment, setting forth the reasons for the recommendation and the relationship of the proposed amendment to affected general and specific plans.

d. **Board of Supervisors Hearing:** Upon receipt of the Planning Commission recommendation, the Board of Supervisors shall hold a public hearing pursuant to Section 23.01.060. The Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission, provided that any modification of a proposed amendment by the Board of Supervisors not previously considered by the Planning Commission shall first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on such referral. Failure by the Planning Commission to report within 40 days after the referral shall be deemed approval of the proposed modification to the amendment.

e. **Effective Date of Amendments.** An amendment to this title or the San Luis Obispo County Local Coastal Plan as certified by the California Coastal Commission shall not become effective after Board of Supervisors adoption until the amendment is also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, as follows:

(1) Denial of an amendment request by the Board of Supervisors shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection e(2) of this section.

(2) Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

23.01.060 - Public Hearing:

When a public hearing is required by this title before action on a Minor Use Permit (Section 23.02.033), Development Plan (Section 23.02.034), variance (Section 23.01.045, appeal (Section 23.01.042) or amendment (Section 23.01.050), 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.** The hearing notice shall contain the information required by Government Code Section 65094 and any additional information the Planning Director deems appropriate. Where the public hearing is for the purpose of considering an application for land use permit or variance approval, or for appeals to decisions on such applications, the notice shall also include the following information:

(i) A statement that the development is within the coastal zone;

(ii) The date of filing of the application and the name of the applicant;

(iii) The county file number assigned to the application;

(iv) A description of the development and its proposed location;

(v) The date, time and place at which the application will be heard;

(vi) A brief description of the general procedure of county concerning the conduct of hearing and county actions;

(vii) The system for county and Coastal Commission appeals, including any fees required.

(2) Method of notice distribution. Notice of public hearings pursuant to this title shall be given as follows:

(i) Permits, permit amendments and appeals. Notice shall be given as provided by Government Code Section 65091 and shall be provided by first class mail to each applicant, to all persons who have requested to be on the mailing list for the development project or for coastal decisions within the county, to all property owners within 300 feet as shown on the latest equalized assessment role and residents within 100 feet of the perimeter of the parcel on which the development is proposed and to the Coastal Commission.

(ii) Local Coastal Program amendments. Notice shall be given as set forth in Sections 65090 and 65091 et seq. of the Government Code and Sections 13515 and 13552 of Title 14 of the California Administrative Code.

(3) Timing of notice. Public hearing notices shall be mailed by first class mail and published where required by the Government Code at least 10 days before the first public hearing on the matter.

b. Scheduling of hearing. After an application for a permit, variance or proposed amendment is issued an exemption, negative declaration or environmental impact report by the Environmental Coordinator and is returned to the Planning Department, or an appeal to a county action is filed, the matter shall be scheduled for public hearing on the next available Planning Commission or Board of Supervisors agenda (as applicable) reserved for such matters after completion of the Planning Department staff report; provided that a hearing on an amendment shall not be scheduled sooner than 30 days after completion of review by the Environmental Coordinator. At the request of the project applicant and/or at the discretion of the hearing body, a public hearing may be continued from time to time; provided that a hearing on a proposed amendment to this title shall be completed and a recommendation adopted within 60 days of the first noticed date of public hearing.

c. Notice of county action when hearing 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 pursuant to subsection a. above, 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 and within the same time limits as provided by subsection a. above.

d. Conduct of hearing. At public hearings pursuant to this title, interested persons may present information and testimony relevant to a decision on the proposed project. Applications will be scheduled for separate action, except that in the case of Minor Use Permits a consent agenda, where several applications may be considered at one time, may be utilized.

23.01.080 - 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 Coastal Zone Land Use Ordinance otherwise subject to court review (other than those listed in Section 65907 of the Government Code), 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.

23.01.082 - Severability of Provisions.

If any chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of the Coastal Zone Land Use Ordinance is for any reason held to be invalid, unconstitutional or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Coastal Zone Land Use Ordinance. The Board of Supervisors hereby declares that this Coastal Zone Land Use Ordinance and each chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion thereof would have been adopted irrespective of the fact that one or more of such chapters, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases or portions of thereof be declared invalid, unconstitutional or unenforceable.

CHAPTER 2: PERMIT APPLICATIONS - CONTENT, PROCESSING & TIME LIMITS

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23.02.020 - Land Use Permit Procedures:
This chapter lists the land use permits required by this title, describes how such permit applications shall be processed by the Planning Department, and what information must be included with an application submitted for processing. This chapter also sets time limits for application processing, the establishment of approved land uses, commencement of construction and project completion. Chapter 23.03 of this title determines what land use permit is required to enable establishing a land use designated allowable by the Land Use Element. Chapter 23.07 sets permit requirements for land uses in the combining designations of the Land Use Element; and Chapter 23.08 sets permit requirements for uses designated by the Land Use Element as allowable subject to special standards ("S" uses).

23.02.021 - Pre-application Conference:

The applicant or his representative is encouraged to request a pre-application conference, subject to the applicable fee, with staff of 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). 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 the application by the Review Authority may differ from the opinion given by staff during the pre-application conference.

[Added 1995, Ord. 2715]

23.02.022 - Determination of Completeness:

Within the time periods specified by this section, the Planning Director shall determine whether a land use permit application includes the information required by this chapter and any information required by the list(s) maintained by the Department of Planning and Building, as allowed by Government Code Section 65940, which specify in detail the 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.

a. **Plot Plans.** The determination of completeness shall occur at the time of application filing. No Plot Plan application shall be accepted for processing unless it is determined to be complete at the time of filing.

b. **Minor Use Permits, and Development Plans.** The determination of completeness shall occur pursuant to 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 Planning Director must determine completeness. The time available to an applicant to prepare and submit additional information is limited by Section 23.02.056 (Application Deemed Withdrawn). When information requested to complete an application is received by the Planning Director, the information shall be reviewed for adequacy within the same time frame required for the initial completeness review by subsections a and b above for the respective application type.

[Amended 1995, Ord. 2715]

23.02.024 - Waivers of Content:

The Planning Director may find that 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 Sections 23.02.030 through 23.02.034 of this title. In such cases, the Planning Director may waive or reduce the requirements if it is also found that the absence of such documentation will not reduce the ability of the Planning Director to evaluate the compliance of the proposed project with the standards of this title.

23.02.026 - Review by Other Agencies:

Planning Department review of applications filed pursuant to this chapter will include notification of the following agencies. The purpose of notification is to inform interested agencies of proposed projects that may affect their jurisdictions so that such agencies may provide comments on significant development proposals.

a. **Air Pollution Control District (APCD):** To be notified as set forth in Section 23.06.082 (Air Pollution Control District Review).

b. **California Coastal Commission:** To be notified of Minor Use Permit and Development Plan applications and proposed amendments to the Local Coastal Program.

c. **Engineering Department:** The county Engineering Department is to be notified of all Minor Use Permit and Development Plan 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.

d. **Fire Department:** County fire protection agencies including the county Fire Department, the various county fire protection districts and the California Department of Forestry are to be notified of all Minor Use Permit and Development Plan proposals within their respective jurisdictions.

e. **Health Department:** The county Health Department is to be notified of land use proposals pursuant to Section 8.06.010 (Construction Plans Required) of the County Code, or any case where a proposed use will involve toxic or hazardous materials in larger than household quantities.

f. **Incorporated cities:** The incorporated cities of the county are to be notified of all Minor Use Permit and Development Plan proposals in or within one mile of their respective urban reserve lines, or other area defined by agreement between the county and city.

g. **Regional Water Quality Control Board:** To be notified as set forth in Section 23.06.100 (Water Quality).

h. **Special Districts:** Including community services districts, school districts and sanitary districts are to be notified in the same manner as incorporated cities.

i. **Public Utilities:** Public utility companies including but not limited to providers of water, gas, telephone and electrical services are to be notified of all Minor Use Permit and Development Plan applications.

[Amended 1995, Ord. 2715]

23.02.027 - Consolidated Processing:

a. **Land use permit.** Whenever a proposed project involves multiple 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 Development Plan approval and two uses requiring Minor Use Permit approval, may be authorized by a single Development Plan approval.)

b. **Land division and lot line adjustment.**

(1) Where a land use permit is required in conjunction with a land division application, Section 23.02.034c shall apply.

(2) Where a land use permit is not required in conjunction with a land division application but is being processed concurrently with said 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 1995, Ord. 2715]

23.02.028 - Zoning Clearance.

Where required by this title, zoning clearance is a verification by the Department of Planning and Building that business license applications, certain proposed new uses of existing buildings and other activities are in compliance with this title and the Local Coastal Program. In such cases, zoning clearance will enable approval of a business license pursuant to Title 6 of this code, establishment of a proposed use, or conduct of a proposed activity pursuant to any other authorizations required by this code or other public agencies, and subject to all applicable provisions of this title. In cases where a construction permit is required by Title 19 of this code, a zoning clearance required by this title for the same project is processed and approved as part of the construction permit application and review process.

a. **Zoning clearance application and content:** Zoning clearance applications shall include the same information required by Sections 23.02.030a, b., and c. of this title (Plot Plan).

b. **Zoning clearance review and approval:** The planning director shall approve a zoning clearance application when the proposed project, use, building or activity for which zoning clearance is required satisfies all applicable provisions of this title and the Local Coastal Program.

c. **Zoning clearance for business license applications.** Notwithstanding the provisions of subsection b. of this section, no business license application shall be approved by the Planning Director unless the proposed site and land use satisfy the following requirements, as applicable:

(1) **Applications subject to review.** The provisions of this section apply to business license applications that:

(i) Propose a new business; or

(ii) Involve a change of use in an existing structure; or

(iii) Renew a license for a business using leased off-site parking.

(2) **Criteria for approval of all licenses.** Approval of all business license applications reviewed by the Planning Director shall satisfy the following criteria:

(i) **Use.** The proposed use has been authorized by an approved land use permit; or where a zoning clearance for a business license application 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 Land Use Element combining designation or planning area standard applicable to the site; or is a nonconforming use pursuant to Chapter 23.09 of this title.

(ii) **Structure.** The Building Official certifies that the structure conforms to all applicable requirements of Title 19, evidenced by a Certificate of Occupancy.

(iii) **Operational standards.** The proposed use will be in conformance with the operational standards in Chapter 23.06 (Health and Safety), of this title.

(iv) **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.

(3) **Re-use of existing structures.** Approval of a zoning clearance for 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 c(2) above, and in addition shall be subject to the following:

(i) **Parking.** The proposed business site shall contain the number of off-street parking spaces, driveway and parking lot improvements as required by Section 23.04.160 (Parking); except as otherwise provided by Section 23.09.036 (Nonconforming Parking).

(ii) **Signing.** All signing on the proposed site is to be in conformity with Section 23.04.300 (Signing), and Section 23.09.032 (Nonconforming Signs).

(4) **New uses.** Approval of a zoning clearance for a business license that proposes the first occupancy of a new building or structure shall require compliance with the provisions of subsections c(1) and c(2) of this section, and in addition shall be subject to the following:

(i) **Landscape, fencing, and screening.** All landscape, fencing, and screening on the proposed site is to be in conformance with Sections 23.04.180 et seq. (Landscape) and Section 23.04.190 (Fencing and Screening).

(ii) **Site development standards.** The site shall conform to requirements for drainage, fire protection, curbs, gutters and sidewalks as required by Chapter 23.05 (Site Development Standards).

[Amended 1993, Ord. 2649; 1995, Ord. 2715]

23.02.030 - Plot Plan:

A Plot Plan is a ministerial land use permit. When a Plot Plan is required by the Land Use Element or this title to authorize a development proposal, its approval certifies that the land use or development will satisfy all applicable provisions of the Coastal Zone Land Use Ordinance. In cases where a construction permit is required by Title 19 of this Code, Plot Plan approval functions as a "Zoning Clearance" (pursuant to Section 23.02.028) and is processed and approved as part of the construction permit application and approval process. Approval of a Plot Plan 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. **Plot Plan application:** Plot Plan applications are to include the forms provided by the Planning Department, and the drawings listed in subsection b below. Drawings must be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.

b. **Plot Plan content:** Plot Plan applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 23.02.024 (Waivers of Content):

(1) **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 man-made landmarks, as necessary to readily locate the site.

(2) **Road access and street improvements:** Location, name, width, and type of surfacing of adjacent street(s) or alley(s). 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.

(3) **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 23.02.030 (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.

(4) **Easements:** Location, dimensions and purpose of all recorded easements on the property, including but not limited to utility, drainage, access easements, etc.

(5) **Utilities:** Location, dimensions and type of proposed water supply and sewage disposal facilities or connections.

(6) **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 or areas proposed for grading and site disturbance. Where landscape plan is required pursuant to Section 23.08.182, show compliance with the landscape requirements of Sections 23.04.180, et seq.

(7) **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.

(8) **Additional information:** To be included with Plot Plan applications as required in the following specific cases, in addition to all other information required by this section.

(i) **Combining designation information.** When required by Chapter 23.07 for sites within a combining designation identified by the Land Use Element.

(ii) **Drainage plan.** When required by Section 23.05.040 et seq. (Drainage, or Chapter 23.07 Combining Designations).

(iii) **Fire safety plan**. When required by Section 23.05.080 (Fire Safety), to be submitted for projects outside the urban or village reserve lines.

(iv) **Grading plan.** When required by Section 23.05.020 (Grading).

(v) **Planning area requirements.** An application shall also include all information required by planning area standards of the Land Use Element for a specific community or area of the county.

(vi) **Sign information.** When any use is proposed to have signs, a description of their location, size, design and copy is to be provided.

(vii) **Special standard requirements.** An application shall also include all information required by the special standards of Chapter 23.08 of this title for a special use, or by other chapter of this title.

(viii) **Solid waste disposal information:** As required by Section 23.04.280.

(ix) **Trees.** Applications for projects within urban or village reserve lines, or where required by planning area standards, are to 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 are to be noted (any tree removal is subject to the requirements of Section 23.05.060 - Tree Removal).

c. **Ownership verification.** Plot Plan applications shall include evidence that the applicant is the owner of the subject site or has written authorization from the owner or owners to make such application.

d. **Public notice.** Public notice of a Plot Plan application shall be provided as set forth in Section 23.02.070 (Notice of Non-Appealable Developments), except for development which is categorically excluded pursuant to Section 23.03.044 of this title.

e. **Plot plan review and approval:** The Planning Director shall approve a Plot Plan application when the proposed project or use satisfies all applicable provisions of this title. (In approving a Plot Plan that designates occupancy type rather than use, the Planning 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.)

f. **Plot Plan processing - Appealable development.** A Plot Plan application for a project that is appealable to the Coastal Commission pursuant to Section 23.01.043c shall be processed as a Minor Use Permit (Section 23.02.033), except secondary dwellings.

[Amended 1993, Ord. 2649; 1995, Ord. 2715; 1996, Ord. 3098 (modified by CCC)]

23.02.033 - Minor Use Permit.

The purpose of a Minor Use Permit is to: satisfy the notice and public hearing requirements established by the California Coastal Act for Plot Plans and other appealable land use permits; enable public review of significant land use proposals which are not of sufficient magnitude to warrant Planning 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 Planning Director. Plot Plans that are required to be processed as Minor Use Permits pursuant to Section 23.02.030f of this title, and are subject to a public hearing pursuant to subsection b(4)(ii), may be scheduled for public hearings as consent agenda or regular agenda items at the sole discretion of the Planning 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: [Amended 1995, Ord. 2740]

a. Application content. The content of a Minor Use Permit application shall be the same as for Plot Plans (Section 23.02.030a through c.), and shall also include the following information:

(1) Preliminary floor plan: For all structural uses except single residences and agricultural accessory buildings; and

(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; and

(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; and

(4) Landscape plan: To be prepared as required by Sections 23.04.180 et seq. (Landscape), for all applicable projects pursuant to Section 23.04.182; and

(5) Contour map: To be prepared as follows, except when a grading plan is required by Section 23.05.020 (Grading):

(i) Inside urban reserve lines: Provide site contour information at five-foot intervals for undeveloped areas and two-foot intervals for building sites and paved or graded areas.

(ii) Outside urban reserve lines: Provide site contour information 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.

(iii) Areas in excess of 30% 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 special uses (Chapter 23.08) are to include explanation of how the applicable provisions of Chapter 23.08 will be met.

(7) Reduced drawings. Site plan applications shall include one copy each of the site layout plan and architectural elevations (if any), reduced to 8-1/2 by 11 inch sheets to facilitate the transmittal of such information on the proposed project to responsible agencies for their review.

(8) **Public access locations.** Applications for projects between the ocean and the nearest public road shall include the mapped locations of nearest public access points to the project. Applications shall also show the mapped locations of any existing public access easements or recorded offer to dedicate public access easements on the subject property.

(9) **Cross-section drawings:** An application for a project within a special community or small-scale neighborhood identified in Chapter 23.11 of this title shall include two sectional views of the project, approximately through the middle and at right angles to each other. Show existing and proposed grades and the location of and distances between buildings, parking and landscaping.

(10) **Mailing list.** A list of names and addresses of all owners of real property within 300 feet as shown on the latest equalized assessment role, and residents within 100 feet of the perimeter of the parcel to be developed. This list shall be typed on gummed labels.

b. **Minor Use Permit processing.** Minor Use Permit applications shall be filed with the Planning Department, 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 23.02.022 (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:

(i) A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(ii) Approval of a negative declaration by the decision-making body pursuant to CEQA; or

(iii) Certification of a final environmental impact report (EIR) by the decision-making body pursuant to CEQA. If an EIR is required, the project shall be processed and authorized only as a Development Plan (Section 23.02.034). Where no EIR is required, Minor Use Permit processing is to be as described in this section.

(2) **Public hearing procedure.** Where an application is subject to a public hearing pursuant to subsection b(4)(ii), the following shall apply

(i) **Regular agenda.** Except as provided by subsection (b)(2)(ii) below, all Minor Use Permits shall be heard as regular agenda items.

(ii) **Consent agenda.** Projects that would normally be required by Section 23.03.042 or Chapter 23.08 of this title to have Plot Plan approval, but are required to have a public hearing pursuant to Section 23.02.030f. because they constitute development that may be appealed to the Coastal Commission pursuant to Section 23.01.043, may be listed upon the Minor Use Permit hearing agenda and acted upon as a consent agenda item, at the sole discretion of the Planning Director.

(iii) Referral to Planning Commission:

(a) At the discretion of the Planning 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 Planning Commission for review and decision in the same manner as a Development Plan (Sections 23.02.034b and c.), without the applicant being charged an additional application fee.

(b) An applicant may also choose that a Minor Use Permit application be subject to Planning Commission review and decision as a Development Plan, provided that an additional fee in an amount equivalent to the difference between the fees for Minor Use Permit and Development Plan is first paid. Such request by the applicant shall be filed with the Planning Director in writing before notice of the administrative hearing is provided pursuant to subsection b(4) of this section.

(3) Tentative Notice of Action. Except for projects determined to be consent agenda items, the Planning Director shall cause a Tentative Notice of Action to be prepared. The tentative notice shall:

(i) Identify the proposed project and applicant;

(ii) Describe the relationship of the project to applicable county land use and development policies and ordinances;

(iii) Cite all relevant findings to be made in connection with the action on the project;

(iv) Note whether the tentative action is to be approval, approval subject to conditions or disapproval of the Minor Use Permit; and

(v) List any applicable conditions of approval.

(vi) 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 pursuant to Section 23.01.042 or 23.01.043.

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 of Supervisors.

(4) Administrative hearing. A public hearing before the Planning Director on each Minor Use Permit shall receive public notice and be conducted as follows:

(i) Notice of hearing. Notice of public hearing shall be given as provided by Section 23.01.060 except as follows:

(a) **Content of notice.** In addition to the information required by Government Code Section 69094, the notice shall declare that the application will be acted on without a public hering if no request for a hearing is made pursuant to subsection (ii) of this section.

(b) **Method of notice distribution.** Notice of public hearings shall be given as provided by Section 23.01.060a(2).

(ii) **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). Such request shall be made in writing to the Planning Director no later than 7 before the date of the meeting specified in the public notice provided pursuant to subsections (i)(a) and (b) of this section or within 10 days from the date of the notice, whichever comes later. 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. The Director has the authority to continue an item to the next meeting date where there is a conflict with exiting plans and ordinances, even where no public hearing has been requested. The applicant and any interested parties shall be notified of the continuance, and notice of the continued hearing shall be provided in accordance with Section 23.01.060c.

(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 provided pursuant to subsections b(4)(i)(a) and (b), the Planning Director shall:

(i) Announce that the decision on the project is the final administrative action on the proposed project and that the Minor Use Permit will become effective as set forth in subsection e. of this section unless appealed; or

(ii) 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

(iii) Continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision; and

(iv) In the event final action is taken notify interested persons of the procedures by which the decision of the Planning 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 of Planning and Building for the purposes of this section, pursuant to Section 23.01.040b and the authority established by Government Code Sections 65900 et seq.. Decisions by the director on Minor Use Permits may be appealed pursuant to Section 23.01.042.

(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 23.02.034c.

(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 Development Plans in Section 23.02.034c, provided that all authority to reach decisions, make findings, and impose conditions of approval pursuant to Section 23.02.034c is assigned to the Planning Director.

d. **Notice of Final Action.** Within seven days of the administrative hearing and the expiration of the time period for appeals to the Planning Commission or Board of Supervisors, 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) of this section and shall also describe any changes to the tentative action as a result of the administrative hearing (if held), including the final action itself. The notice of final action shall also include the findings or conditions of approval resulting from the hearing, a determination if the decision is appealable to the Coastal Commission, the procedures for appealing the local decision to the Coastal Commission (if applicable), and the effective date of the Minor Use Permit. The notice shall be mailed to the applicant and the Coastal Commission. The notice shall be prepared and mailed so as to also satisfy all applicable provisions of Section 23.02.036, and:

(1) **Regular items.** The notice shall also include the Tentative Notice of Action described in subsection b(3) of this section.

(2) **Consent items.** The notice shall state that the Minor Use Permit was heard as a consent agenda item.

(3) **Other items.** The notice shall state that the Minor Use Permit was approved by the Director no sooner than 10 days after the date of the public notice provided pursuant to subsections b(4)(i)(a) and (b).

e. **Effective date of Minor Use Permit.** Except as otherwise provided by Section 23.01.043 for projects that may be appealed to the Coastal Commission, 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 as set forth in Section 23.01.042. Minor Use Permits appealable to the Coastal Commission shall become effective only after the provisions of Section 23.02.039 (Effective Date of Land Use Permit for an Appealable Project) are met.

[Amended 1993, Ord. 2649; 1995, Ord. 2715; 1995, Ord. 2740; 2004, Ord. 2999; 2004, Ord. 3001]

23.02.034 - Development Plan.

The purpose of a Development Plan is to: enable 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 Development Plan process includes a public hearing before the Review Authority. Action on a Development Plan 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 Development Plan approval is required by this title, preparation and processing of the application shall be as follows:

23.02.034

a. **Development Plan content.** The content of a Development Plan application is to be the same as required for Minor Use Permits by Section 23.02.033.

b. **Development Plan processing.** Development Plan applications are to be submitted to the Planning Department, and shall be processed as follows:

(1) **Environmental determination.** When a Development Plan application has been accepted for processing as set forth in Section 23.02.022 (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:

(i) A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(ii) Approval of a negative declaration by the decision-making body pursuant to CEQA; or

(iii) Certification of a final environmental impact report (EIR) by the decision-making body pursuant to CEQA.

(2) **Staff report.** Following completion of an Environmental Determination, the Planning Department shall prepare a staff report that:

(i) Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and

(ii) References applicable county land use policies; and

(iii) Determines whether the proposed use or project satisfies at minimum the provisions of this title; and

(iv) Recommends whether, and on what basis, the proposal should be approved, conditionally approved or disapproved.

(3) **Public hearing.** The Planning Director shall schedule the Development Plan for public hearing before the Review Authority as set forth in Section 23.01.060.

c. **Development Plan approval or disapproval.** The authority to take final action on a Development Plan as set forth in this subsection is assigned to the Subdivision Review Board or Planning Commission. Where a Development Plan 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 Development Plan application and the land division application on the same agenda. Final action on the Development Plan shall occur prior to final action on the land division application. In all other cases requiring Development Plan approval only, the Planning Commission is assigned to take final action. Decisions of the Review Authority may be appealed to the Board of Supervisors (Section 23.01.042), and certain projects may also be appealed to the Coastal Commission pursuant to Section 23.01.043.

(1) **Conditions of approval.** After the conclusion of a public hearing, the Review Authority may approve, conditionally approve, or disapprove the Development Plan. In conditionally approving a Development Plan, the Review Authority shall designate such conditions to satisfy any requirements of CEQA, and to:

(i) Secure compliance with the objectives and requirements of this title, the Land Use Element and the Local Coastal Plan; and

(ii) Designate time limits or phasing schedules other than those specified in Section 23.02.040 (Permit Time Limits) for the completion of projects, when deemed appropriate.

(iii) Identify the specific land uses from Coastal Table O, Part I of the Land Use Element, which may be established on the site pursuant to the Development Plan approval.

(2) **Additional conditions.** In addition to the conditions of subsection 23.02.034c(1), the Review Authority may adopt other conditions, including but not limited to:

(i) Requiring that security be provided to guarantee performance and/or compliance with conditions of approval, as set forth in Section 23.02.060 (Guarantees of Performance);

(ii) Requiring installation of specific on-site or off-site improvements;

(iii) Modifying, superseding or replacing conditions of approval imposed on the subject site or land use by a previous Development Plan, Minor Use Permit or any land use permit issued pursuant to the zoning ordinance (Ordinance No. 603).

(iv) Authorizing land uses on the site in addition to those requested in the Development Plan application where such additional uses would normally be required by this title to have Plot Plan or Minor Use Permit approval.

(v) Any other conditions judged by the Planning Commission 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 Development Plan approval is granted or amended subject to conditions, use or enjoyment of the Development Plan approval in violation, or without observance of any such condition shall constitute a violation of the Coastal Zone Land Use Ordinance. In the event of such a violation, the approval may be revoked or modified as provided in Section 23.10.160 (Permit Revocation). The duration of conditions is established in Section 23.02.052 (Lapse of Land Use Permit).

(4) **Required findings.** The Review Authority shall not approve or conditionally approve a Development Plan unless it first finds that:

(i) The proposed project or use is consistent with the Local Coastal Program and the Land Use Element of the general plan; and

(ii) The proposed project or use satisfies all applicable provisions of this title; and

(iii) 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

(iv) The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

(v) 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.

(vi) The proposed use or land division (if located between the first public road and the sea or the shoreline of any body of water), is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

(vii) Any additional findings required by planning area standards (Part II of the Land Use Element), combining designation (Chapter 23.07), or special use (Chapter 23.08).

d. **Effective date of land use permit:** Except where otherwise provided by Section 23.01.043 for projects that may be appealed to the Coastal Commission, the approval of a Development Plan shall become final and 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 Review Authority approval; unless an appeal is filed as set forth in Section 23.01.042 (Appeal). A land use permit for appealable development shall not become effective until the requirements of Section 23.02.039 are met.

[Amended 1992, Ord. 2584; 1995, Ord. 2715]

23.02.035 - Additional Information Required.

For Minor Use Permits, and Development Plans, the following information is required in addition to the other requirements of this title, prior to acceptance of the application as complete. Waiver **may** be granted to some or all of these requirements by the Director of Planning and Building upon receipt of a written request stating the specific conditions on the site that negate the need for the additional information or a waiver can be granted if the director determines, based on information available in the office of the Planning and Building Department, that the additional information is unnecessary. Where the applicant volunteers to complete an environmental impact report (EIR) pursuant to the requirements of CEQA, the additional information required by this section may be fulfilled as part of the EIR completed for the project.

a. **Agricultural buffers:** Where there is an existing agricultural use taking place on adjacent parcels and the applicant proposes an agricultural buffer, such buffer shall be shown on site plans, and incorporated into the site design or the lot configuration of the proposed land division.

b. **Archeological report:** The applicant shall provide an archeological surface search, prepared by a qualified individual approved by the Environmental Coordinator.

c. **Botanical report:** The applicant shall provide a botanical report, prepared by a qualified individual approved by the Environmental Coordinator.

d. **Biological report:** The applicant shall provide a biological report, prepared by a qualified individual approved by the Environmental Coordinator.

e. **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 site plans for existing or proposed parcels greater than 10,000 square feet in size to demonstrate how the future development of the site(s) relates to the other information required by this section.

f. **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 Environmental Coordinator.

g. **Tree inventory plan:** The applicant shall provide a tree inventory plan which 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.

h. **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 Environmental Coordinator.

i. **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 1995, Ord. 2715]

23.02.036 - Final County Action on Development Permits.

After the Review Authority has acted on an application for development, the requirements of this section apply.

a. **Notice of Final County Action.** Within seven calendar days of county completing its review and meeting the requirements of subsection c. of this section, the county shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the county (or, where required, who paid the fee established by the

County Fee Ordinance to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the county decision to the Coastal Commission.

b. Notice of Failure to Act:

(1) Notification by Applicant. If the county has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the county and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(2) Notification by county. When county determines that the time limits established pursuant to Government Code Sections 65950-65937.1 have expired, the county shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to subsection b(1) of this section that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 13110 et seq. of Title 14 of the California Administrative Regulations. (This section shall apply equally to county determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)

c. Finality of county action. A county decision on an application for a development shall not be deemed final until:

(1) The county decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act (these can be found in Section 23.04.420 of this title and Sections 30210 through 30224 of the California Coastal Act); and

(2) When all county rights of appeal have been exhausted as set forth in Section 23.01.043b (Exhaustion of county appeals).

(3) For actions on Land Use Permits that are not appealable to the Coastal Commission under the standards of Section 23.01.043c, the Coastal Commission has received notice of Final County Action as required by parts a and b of this Section; and

(4) For actions on Land Use Permits that are appealable to the Coastal Commission pursuant to Section 23.01.043c, the standards set forth in Section 23,02,039 have been satisfied.

[Amended 1995, Ord. 2740; 2004, Ord. 3001]

23.02.038 - Changes to 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 subsection b. of this section, a feature of the use or project subject to the standards of Chapter 23.04, 23.05, 23.07 or 23.08, may be modified provided that the change requested is in conformity with the standards of this title. Such change is to be requested in writing with appropriate supporting materials and explanation of the reasons for the request. The Planning Director may approve a requested change upon verification of its conformity with this title, provided that such approval shall not modify the effective date of the land use permit.

b. Where the Environmental Coordinator 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 of the project, or the change relates to a project feature that was specifically addressed in conditions of approval of a Minor Use Permit or Development Plan, or that was a specific consideration by the Review Authority in the approval of a Minor Use Permit or Development Plan, a new Minor Use Permit or Development Plan approval shall be obtained. [Amended 1993, Ord. 2649]

[Amended 1995, Ord. 2715]

23.02.039 - Effective Date of Land Use Permit for an Appealable Project.

A decision by the county on an appeal (Section 23.01.042), Variance (Section 23.01.045), Minor Use Permit (Section 23.02.033) or Development Plan (Section 23.02.034), or for a project that is appealable to the Coastal Commission pursuant to Section 23.01.043 shall become effective after the 10 working day appeal period to the Commission has expired unless either of the following occur:

a. An appeal is filed in accordance with Section 13111 of Title 14 of the California Administrative Code.

b. The notice of final county action does not meet the requirements of Section 23.02.036.

When either of the circumstances in this section occur, the Coastal Commission shall, within five calendar days of receiving notice of that circumstance, notify the county and the applicant that the effective date of the county action has been suspended.

23.02.040 - Permit Time Limits:

An approved Plot Plan or Site Plan is valid for a period of 18 months from its effective date. A Minor Use Permit, Development Plan or Variance is valid for 24 months after its effective date. At the end of such 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 23.02.042); or

b. The project is completed (Section 23.02.044); or

c. An extension has been granted (Section 23.02.050).

If a Minor Use Permit or Development Plan has been appealed to but approved by the Coastal Commission, the time limits established by this section shall commence after final action by the Coastal Commission. Nothing in this title shall be construed as affecting any time limits established by Title 19 of the County Code regarding work authorized by a building permit or other construction permit issued pursuant to Title 19, or time limits relating to the expiration of such permit.

23.02.042 - 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 23.02.052 (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 Plot Plan or Site Plan approval; 24 months of Minor Use Permit or Development Plan approval; or within 12 months of the date of final local action (including an appeal to the Board of Supervisors) on an extension of land use permit, 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 Development Plan approval (Section 23.02.034c(1)(ii)), 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 23.02.044 within: 18 months of Plot Plan or Site Plan approval; 24 months of Minor Use Permit or Development Plan approval; or within 12 months of the date of approval of an extension of land use permit (Section 23.02.050).

c. **Surface mining operations:** In the case of a surface mining operation approved under Sections 23.08.180 through 23.08.187 (Surface Mining and Reclamation), when surface mining operations have been commenced.

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.02.044 - 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 23.02.060) guaranteeing site improvements have been released.

b. The Planning Director verifies that a use or activity not involving a building or grading permit is occurring on the subject site in accordance with all applicable provisions of this title and any adopted conditions.

c. A final map is recorded, in the case of a Development Plan approval that is intended only to authorize the filing of a tentative map pursuant to planning area standard or a requirement of Sections 23.04.028 et seq., where Development Plan approval is necessary to enable consideration of approval of a tentative map for a condominium or similar project, unless conditions of approval of the Development Plan specify other standards for determining project completion.

[Amended 1995, Ord. 2715]

23.02.046 - 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 pursuant to Section 23.02.044 (Project Completion); and

b. The Planning 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 pursuant to Section 23.02.048.

23.02.048 - 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 accordance with Section 23.02.044 (Project Completion); and

b. The Planning Director determines that such 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 23.02.060 (Guarantees of Performance).

23.02.050 - Extensions of Time for Land Use Permits.

When substantial site work (Section 23.02.042) on a project authorized by an approved land use permit has not occurred within the time limits set by Section 23.02.040, a maximum of three, 12-month extensions (except as provided by Section 23.02.042 a of this Title) 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 Planning 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, the permit shall be automatically extended until such time as the Review Authority has acted upon the extension request, provided that no construction shall take place and no construction permits shall be issued for a proposed project pursuant to Title 19 of this code until the extension has been approved. Notice of the application for extension shall be provided to the California Coastal Commission.

a. **Initial extensions:** The Planning Director may grant two 12-month extensions to the time limit for any land use permit. The Planning 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.

If the Review Authority determines that changed circumstances exist that may affect the consistency of the development with the Local Coastal Program, then the extension request shall be denied. Action on a requested extension by the Planning Director may be appealed to the Planning Commission as set forth in Section 23.01.042 (Appeal) and to the California Coastal Commission as set forth in Section 23.01.043 (Appeals to the Coastal Commission).

b. **Third and final extension:** The Planning Commission (or Board of Supervisors on appeal) may grant one additional 12-month extension to an approved land use permit after the two initial extensions in accordance with the notice, hearing, and appeal procedures required for a new development application, subject to the same findings and standards required by Section 23.02.050a. provided that the Planning Commission makes the following additional findings:

(1) That substantial site work could not be completed as set forth in Section 23.02.042 because of circumstances beyond the control of the applicant; and

(2) The findings specified in Sections 23.02.050a(1), (2) and (3) above; and

(3) The findings that were required by Section 23.02.034c(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 pursuant to Section 23.02.042. No more than three extensions pursuant to 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 Planning Commission or Subdivision Review Board) may grant five 12-month time extensions to the time limit in accordance with the standards and procedures established by this Section. The planning department shall make a written recommendation in its staff report to the advisory agency concerning the extension request.

d. **Time extensions on permits issued by the Coastal Commission.** A time extension on a coastal development permit issued by the Coastal Commission shall only be granted by the Coastal Commission.

e. **Notice of Final County Action.** After all county rights of appeal have been exhausted as set forth in Section 23.01.043b. (Exhaustion of Local Appeals required), the County shall provide notice of its action on the third and final extension require in accordance with Section

[Amended 2004, Ord. 3001]

23.02.052 - 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 pursuant to 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 23.02.044), 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 Plot Plan approval is removed from the site, and the site remains vacant for a period exceeding 12 consecutive months, in which case the Plot Plan approval shall lapse; or

(2) The circumstance described in subsection 23.02.052c occurs, in which case Minor Use Permit or Development Plan approval shall lapse; or

(3) A use or structure authorized through Site Plan, Minor Use Permit or Development Plan 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 accordance with Section 23.10.160 (Permit Revocation).

b. **Partially completed projects:** When an approved multiple structure project has been partially completed (Section 23.02.046), 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.** In the event that a judgment of a court of competent jurisdiction declares one or more of the conditions of a Minor Use Permit or Development Plan approval to be void or ineffective, or enjoins or otherwise prohibits the enforcement or operation of one or more of such conditions, the Minor Use Permit or Development Plan shall cease to be valid.

d. **Changes in ordinance provisions.** In the event that an amendment to the Land Use Element or this title is adopted such that the approved use is no longer allowable on the subject site, the land use permit shall lapse unless substantial site work has been completed (Section 23.02.042) before the effective date of such amendment. The effect of such an amendment on a completed project is determined by Section 23.09.026 (Nonconforming Uses of Land).

[Amended 1992, Ord. 2570; 1995, Ord. 2715]

23.02.054 - Applications Deemed Approved:

Any application approved pursuant to Sections 65956 et seq. of the Government Code shall be subject to the following requirement, as well as all applicable provisions of this title, which must be satisfied by the applicant before any construction permit is issued.

a. **Notice.** The notice procedure of Section 23.02.036b of this title shall be accomplished prior to issuance of a construction permit.

[Amended 1995, Ord. 2715]

23.02.056 - 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, pursuant to Table O, Part I of the Land Use Element or the planning area standards of Part II of the Land Use Element; 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 such 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 Planning Commission or Board of Supervisors, to which the applicant has not responded; or

(2) The date of the last Planning Commission or Board of Supervisors consideration of the application.

Prior to an application being deemed withdrawn, a letter shall be sent notifying the applicant of the project's withdrawal and shall also include an explanation of the requirements for refiling. Where a written request from the applicant is received asking that the application package and unused portion of the filing fee be returned, the Planning 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 1995, Ord. 2740]

23.02.060 - Guarantees of Performance:

When required by the provisions of this title, or by conditions of approval of a Minor Use Permit or Development Plan, appropriate security or guarantees are to 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 Chapter 23.08 (Special Uses). The use of the terms bond, guarantee and security in this section shall all mean guarantees of performance.

a. **Posting:** The guarantee is to be posted with the Planning 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 such suit, including reasonable attorneys' fees to be fixed by the court.

c. **Amount of bond:** The guarantee is to be of an amount established by the Planning 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 Development Plan condition of approval to preserve identified site features, the guarantee is to be in an amount the Planning 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 Planning 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 Planning Director determines the project does not meet the applicable requirements, the applicant shall be notified in writing of such deficiencies. A time period for their correction shall be mutually agreed upon by the applicant and the planning director, with the security being held until all such requirements are satisfied.

Where no agreement is reached following written notification by the Planing Director, or where an agreed time period for completion is exceeded, the bond shall be called.

[Amended 1995, Ord. 2715]

23.02.070 Notice of Non-Appealable Developments:

a. **Purpose.** Because of the requirements of Section 13568b of Title 14 of the California Administrative Code, all development within the Coastal Zone, except that which is categorically excluded by Section 23.03.044 of this title, must receive public notice regardless of whether a public hearing is required before the development can be approved or disapproved. This title provides public notice requirements for projects requiring a public hearing in Section 23.01.060. This section provides notice requirements for projects requiring Plot Plan, Grading or Tree Removal Permit approval, where such notice is required by this title for projects that are not appealable pursuant to Public Resources Code Section 30603 and which do not require a public hearing (and which are not categorically excluded).

b. **Notice procedure.** Within 10 calendar days of accepting an application for Plot Plan, Site Plan, Grading or Tree Removal Permit approval, or at least seven calendar days prior to the county decision on the application, the county shall provide notice, by first class mail, of pending development approval.

(1) **Distribution of notice.** Notice shall be provided to all persons who have requested to be on the mailing list for that project or for coastal decisions within the county jurisdiction, to all property owners as shown on the latest equalized assessment role and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission.

(2) **Content of notice.** The notice shall contain the following information:

(i) A statement that the development is within the coastal zone;

(ii) The date of filing of the application and the name of the applicant;

(iii) The county file number assigned to the application;

(iv) A description of development and its proposed location;

(v) The date the application will be acted upon by the decision-maker;

(vi) The general procedure of the county concerning the submission of public comments either in writing or orally prior to the county decision.

(vii) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the 3-34 county decision.

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CHAPTER 3: PERMIT REQUIREMENTS

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23.03.010 - Purpose:

This chapter determines the type of land use permit required to authorize establishment of land uses and activities allowed by the Land Use Element. This chapter requires the use of either the Plot Plan, Minor Use Permit, or Development Plan review processes, based upon the potential effects of a use on its site and surroundings. While this chapter sets land use permit requirements for this title, it does not supersede the requirements of other titles of this code that may be applicable to a particular project, including the requirements of the Building and Construction Ordinance (Title 19 of this code) that certain types of new construction shall not occur without first being authorized by a construction permit, in addition to any land use permit required by this title.

[Amended 1995, Ord. 2715]

23.03.020 - Applicability of Chapter:

The permit requirements of this chapter apply to land uses identified as "A" or "S" or "P" uses in the Land Use Element Allowable Use Charts (Coastal Table O, Part I of the Land Use Element), except for:

a. Uses required by planning area standards of the Land Use Element (Part II), or policies of the Local Coastal Plan, to have other permit requirements.

b. Uses identified as "S" (Special Uses) by the Land Use Element Allowable Use Charts (Table O, Part I of the Land Use Element), for which permit requirements are determined by Chapter 23.08 (Special Uses).

c. Uses required by combining designation standards (Chapter 23.07) or other provisions of this title to have other permit requirements.

d. Uses or activities exempted from permit requirements by Section 23.03.040 (General Land Use Permit Requirements).

[Amended 1995, Ord. 2715]

23.03.040 - General Land Use Permit Requirements.

This section establishes land use permit requirements for development within the Coastal Zone.

a. Development Defined. As set forth in Section 30106 of the Coastal Act and for purposes of this title, "development" in the Coastal Zone means:

"On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of a gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

b. Coastal Commission approval required. All applicants for development proposed or undertaken within the Coastal Zone within the following areas shall obtain a Coastal Development Permit from the Coastal Commission in addition to any permits required by this title:

(1) Tidelands;

(2) Submerged lands;

(3) Public trust lands whether filled or unfilled;

(4) State university or college.

c. **General permit requirement.** No development, as defined by subsection a. of this section, shall be undertaken within the Coastal Zone without first obtaining the land use permit required by this chapter or Chapter 23.08 of this title, unless exempted from such permit requirements by this section or the Coastal Act. Land uses allowed within the Coastal Zone are identified by Chapter 7, Part I of the Land Use Element (Coastal Table 'O').

d. **Exemptions from permit requirements.** The following types of development within the Coastal Zone are exempt from the land use permit requirements of this title:

(1) All repair and maintenance activities that do not result in any change to the approved land use of the site or building, or the addition to, enlargement or expansion of the object of such repair or maintenance; or

(2) Walls or fences of 6'-6" or less in height located in accordance with Section 23.04.190(c) (Fencing and Screening), except when in the opinion of the Planning Director such wall or fence will obstruct views of, or legal access to the tidelands; or

(3) Open wire fences of any height in the Agriculture and Rural Lands use categories; or

(4) The remodeling of any building or structure, where:

(i) 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 modification are in conformity with all applicable provisions of this title; or

(ii) Interior remodeling does not result in any change of land use, expansion of footprint or height of the building and is in conformance with all applicable provisions of this title and Title 19 (Building and Construction Ordinance); or

(5) Installation of irrigation lines; or

(6) Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a permit; or

(7) Subdivision of any existing multi-family residential structure into a time-share project in accordance with Section 30610 of the Coastal Act, provided that there is compliance with the Subdivision Map Act and Real Property Division Ordinance; or

(8) Public works projects, where such development:

(i) Involves a state university, college, public trust lands or tidelands (which require a permit from the State Coastal Commission and must meet the requirements of Chapter 3 of the Coastal Act). In such cases, the Local Coastal Plan will serve an advisory function; or

(ii) Is a minor project that is defined as categorically exempt by Section 30610(e) of the Coastal Act because of geographic area or function and where the categorical exclusion has been approved by the Coastal Commission; or

(iii) Is the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided that the county may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources including scenic resources; or

(9) Crop production and grazing where designated allowable by Coastal Table 'O', Part I of the Land Use Element, except where more than one-half acre of native vegetation is proposed to be mechanically removed.

(10) Changes in the use of an existing building where:

(i) The proposed use is identified as an allowable use by Coastal Table 'O', Part I of the Land Use Element, is not precluded on the site by planning area standards or land use permit conditions of approval, and will be in compliance with all other applicable provisions of this title; and

(ii) The proposed use is determined by the Planning Director to be of equal or lower intensity than the existing use, based upon the parking requirements of Sections 23.04.160 et seq. and the Director's evaluation of the two uses; and

(iii) If the site is within a visitor-serving (V) combining designation, the change in use will not replace a visitor-serving use with a non-visitor- serving use; and

(iv) The proposed use will not require more water than the use being replaced; and

(v) There will be no structural changes to the exterior of the building other than sign changes; and

(vi) Zoning clearance (Section 23.02.028) is obtained before establishment of the proposed use;

Except that this exemption shall not apply to any specific use which is required to have Minor Use Permit or Development Plan approval by planning area standards of the Land Use Element or Chapter 23.08 of this title.

Nothing in this section shall be construed as exempting construction activities from the necessity of obtaining building, electrical, plumbing or other permits if required by Title 19 or other title of this code, or a grading permit if required by Section 23.05.020 et seq. of this title.

e. **Site Plan approval requirements.** Because the Site Plan approval process originally established in Title 22 of this code has been replaced in this title by the Minor Use Permit process (Section 23.02.033 et seq.), Minor Use Permit approval is required in any case where planning area standards of the Land Use Element, other provisions of this title, or conditions of approval of land use permits approved under the Land Use Ordinance (Title 22 of this code), would otherwise require Site Plan approval.

23.03.042 - Determination of Permit Requirement.

The type of land use permit required to authorize a proposed land use that is subject to the provisions of this chapter pursuant to Section 23.03.020 is determined by Table 3-A, as follows:

a. To determine what land use permit is required to establish an allowable use (an "A" or "P" use in Coastal Table O, Part I of the Land Use Element), a proposed project must be compared with <u>each</u> land use and development characteristic listed in the left-hand column of Table 3-A;

b. When a project involves more than one use listed on the chart 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") has a proposed 2,300 square foot floor area and is in conjunction with a proposed paved area ("Impervious Surface") greater than one acre, a Minor Use Permit is required even though the square footage of building itself would otherwise require a Plot Plan);

c. The permit requirement criteria shall be applied to each building site, regardless of intervening lot lines.

[Amended 1995, Ord. 2715]

TABLE 3-A:

PERMIT REQUIREMENT

		PERMIT REQUIREMENT		
LAND USE OR DEVELOPMENT CHARACTERISTIC	CRITERIA [1]	PLOT PLAN [2]	MINOR USE PERMIT	DEVELOPMENT PLAN
DWELLINGS (these land use permit requirements apply to construction of single- or multi-family dwellings)	Number of dwellings per site [3]	4 or less	5 to 24	25 or more
MANUFACTURING & PROCESSING, WHOLESALE TRADE, OUTDOOR STORAGE [4]	Gross floor or outdoor use area in square feet	Less than 10,000	10,000-39,999	40,000 or more
RETAIL TRADE, SERVICES AND ALL OTHER NON-RESIDENTIAL USE GROUPS [5]	Gross floor or outdoor use area in square feet and traffic circulation	Less than 2,500 with no drive-up or through	2,500 - 19,999 and/or drive-up or through	20,000 or more
SITE DISTURBANCE (area of grading requiring permit per 23.05.020 et seq., or removal of natural ground cover)	Area of disturbance per site	Less than 1 acre[6]	1 to 3 acres	greater than 3 acres
IMPERVIOUS SURFACE (site coverage by paving and structures)	Area of coverage per site	Less than 1 acre[6]	1 to 3 acres	greater than 3 acres

Notes to Table 3-A:

[1] All criteria are cumulative for a single site (e.g., a proposed 3-unit expansion of an existing 39 unit apartment requires Development Plan approval).

[2] Any use normally required by this title to have Plot Plan approval (except signs, pursuant to 23.04.306a) shall instead require Minor Use Permit approval where Section 23.01.043 (Appeals to the Coastal Commission) identifies the proposed project as development which is appealable to the Coastal Commission.

[3] Or number of dwellings constructed by a single developer in a single land division recorded before March 19, 1962.

[4] Includes all uses listed under the Manufacturing & Processing and Wholesale Trade land use groups by Coastal Table O, Part I of the Land Use Element, and the specific use identified by Coastal Table O as Storage Yards and Sales Lots.

[5] Includes all uses listed under the Retail Trade, Services, and all other land use groups by Coastal Table O, Part I of the Land Use Element, except Residential, Manufacturing & Processing, Wholesale Trade and Outdoor Storage.

[6] A grading permit, drainage plan review or erosion and sedimentation plan review may be required by Sections 23.05.020 et seq. (Grading) of this title; and/or construction permits may be required by the Building and Construction Ordinance, Title 19 of this code.

[Amended 1995, Ord. 2715]

23.03.044 - Categorical Exclusion for Single-Family Dwellings.

Pursuant to Section 30610(e) of the Coastal Act, the construction or remodel (including grading or tree removal necessary for construction) of a single-family dwelling on an existing lot is excluded from the requirement of a coastal development permit under this title, provided that Plot Plan approval, or where applicable a grading permit, is obtained consistent with all applicable provisions this title and the Local Coastal Program and the development:

a. Is not located in an appealable area and does not constitute appealable development pursuant to Section 23.01.043 of this title; and

b. Is located within an urban reserve line as shown in the Land Use Element.

23.03.045 - Emergency Permits.

The purpose of this section is to establish 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 Planning Director as provided by this section, in accordance with Section 30624 of the Coastal Act and Sections 13329 of Title 14 of the California Code of Regulations.

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 procedure.** In cases of such emergency, the Planning Director may issue an emergency permit in accordance with the following provisions:

(1) Applications in cases of emergencies shall be made to the Planning 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:

(i) The nature of the emergency;

(ii) The cause of the emergency, insofar as this can be established;

(iii) The location of the emergency;

(iv) The remedial, protective or preventative work required to deal with the emergency;

(v) 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 Planning Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows. When reasonable, the Director shall also consult with the California Coastal Commission regarding claims of emergencies. This is critically important when a proposed emergency action may result in development on lands that are within the permit jurisdiction of the California Coastal Commission.

(4) The Planning 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 Planning Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, is he or she finds that:

(i) An emergency exists that requires action more quickly than permitted by the procedures 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;

(ii) Public comment on the proposed emergency action has been reviewed, if time allows; and

(iii) The work proposed would be consistent with the requirements of the certified Local Coastal Program.

(6) Within 30 days of the notification required in subsection b(1) of this section, 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 pursuant to Chapter 23.10 of this code.

(7) The Planning Director shall not issue an emergency permit for any work to be undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the California Coastal Commission.

(8) The Planning Director shall report emergency permits to the Planning Commission at their next regular meeting and to the Coastal Commission pursuant to Section 23.02.070. The decision to issue an emergency permit is solely at the discretion of the Planning Director although subsequent coastal permits required for the project are subject to all applicable hearing requirements as specified in Title 23.

[Revised 2004, Ord. 2999]

CHAPTER 4: SITE DESIGN STANDARDS

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23.04.010 - Purpose:

This chapter establishes standards for the design and layout of sites for land uses, new developments and divisions of land, where allowed by the Land Use Element. The purpose of these standards is to support, through careful site evaluation and design, the establishment of land uses in a manner that is compatible with existing land uses and neighborhoods; the natural environment; the economic viability of the county; and the health and safety of county residents. The purpose of these standards is also to support achievement of the objectives of the general plan.

23.04.012 - Applicability of Site Design Standards:

The standards of this chapter apply to all new land uses required to have a permit pursuant to this title, except:

a. Where the standards of Chapters 23.07 (Combining Designation Standards), or 23.08 (Special Uses) conflict with the provisions of this chapter, the provisions of Chapters 23.07 and 23.08 prevail;

b. Where planning area standards (Part II of the Land Use Element) conflict with the standards of this chapter, the planning area standards prevail.

c. Where policies (Part II of the Policy Document of the Local Coastal Plan) conflict with the standards of this chapter, the policies shall prevail.

23.04.020 - Parcel Size:

Sections 23.04.021 through 23.04.036 determine the minimum parcel 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 the County 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 consistent with the general plan, pursuant to Section 66473.5 of the Government Code. These standards are organized as follows:

23.04.021	Parcel Size Standards
23.04.022	Information Used in Determination
23.04.024	Agriculture Category
23.04.025	Rural Lands Category
23.04.026	Residential Rural Category
23.04.027	Residential Suburban Category
23.04.028	Residential Single-Family and Multi-Family
23.04.029	Commercial and Office Categories
23.04.030	Industrial Category
23.04.031	Public Facilities Category
23.04.032	Recreation Category
23.04.033	Open Space Category
23.04.036	Cluster Division

[Amended 1995, Ord. 2715]

23.04.021 - Parcel Size Standards:

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 of Sections 23.04.024 through 23.04.036 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, public hearing testimony and any potential specific, adverse impacts.

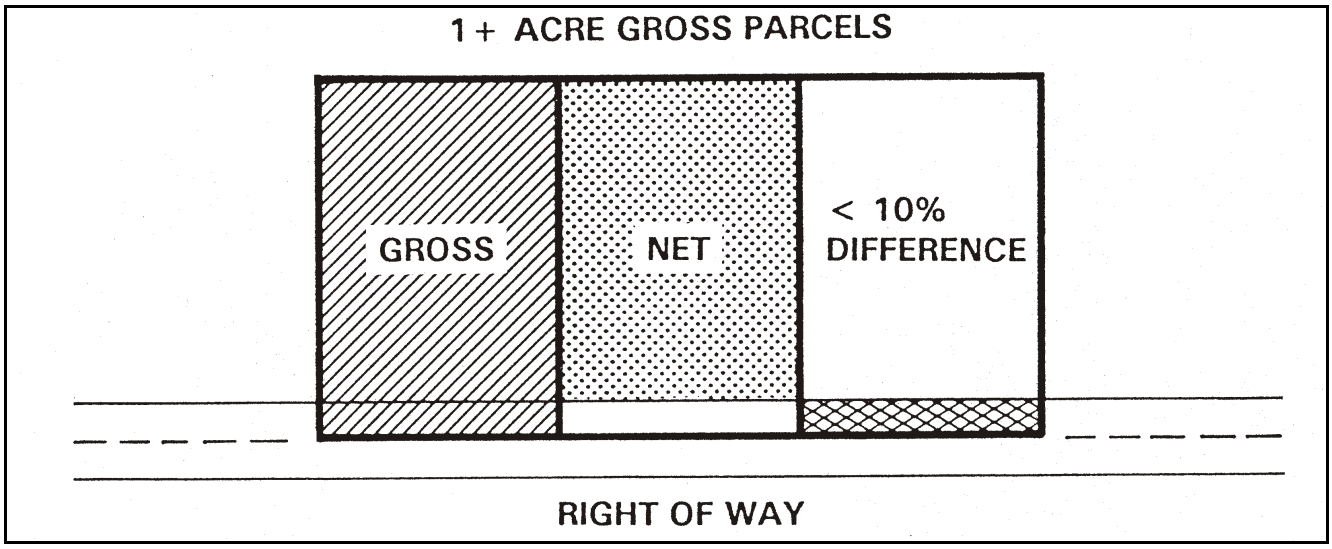
a. **When used.** The standards of Sections 23.04.022 through 23.04.036 shall be used to determine the allowable area for new lots, and to determine the conformity or nonconformity of the size of existing lots with the provisions of this ordinance, except as provided by subsection c and as follows:

(1) Where planning area standards of the Land Use Element set minimum parcel size requirements for specific areas of the county, the planning area standards control instead of the provisions of Sections 23.04.022 through 23.04.036.

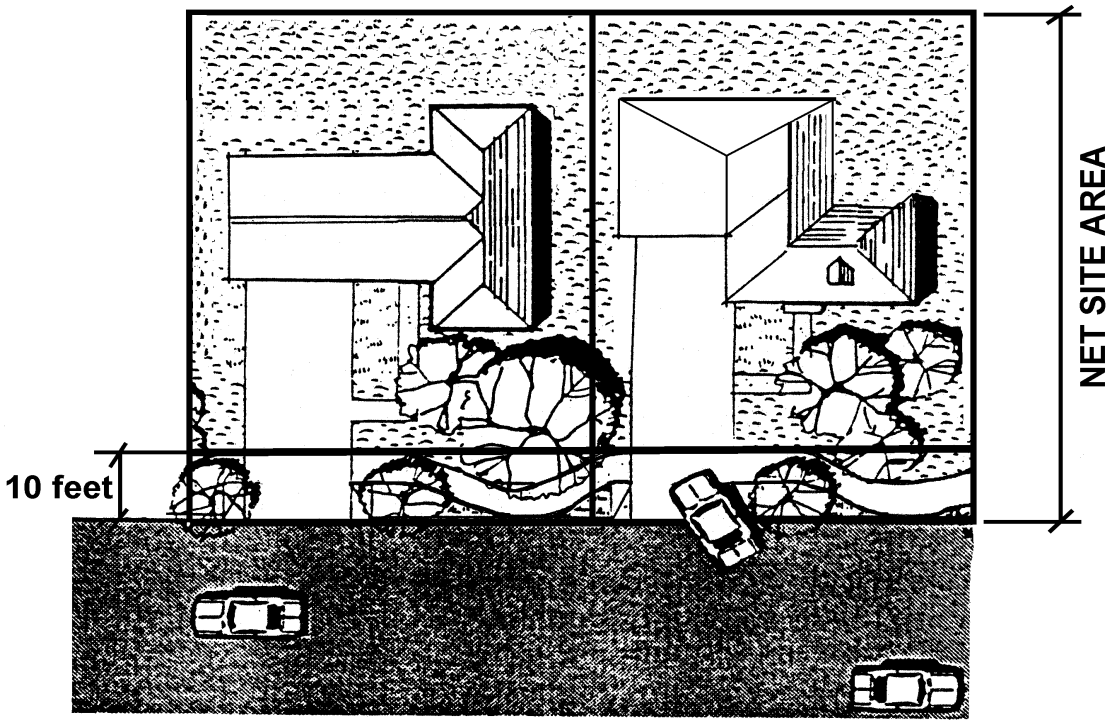
(2) The standards of Sections 23.04.022 through 23.04.036 do not determine the minimum site area required for a new use on an existing lot, unless specifically referred to elsewhere in this title. Standards for the site design of new uses not involving land divisions begin with Section 23.04.040 (Minimum Site Area) of this Chapter.

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 Chapter 23.11 as "Site Area, Net") is to be used in all cases, except that:

(1) Lots one acre or larger after division may use gross site area (see Chapter 23.11) 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.



Gross Site Area and Net Site Area



Detached Sidewalk - Net Site Area

(2) Lots where 10 additional feet on each side of the street is dedicated in order to incorporate detached sidewalks with fixed width parkways between the curb and sidewalk, or meandering sidewalks which vary the separation between the curb and sidewalk, where the parkway between the curb and sidewalk is landscaped and includes one or more street tree per 50 feet of frontage and turf or low maintenance plants, may include that 10 feet in the calculation of net site area. Equestrian trail facilities may also be included in the calculation of net site area.

(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.

c. **Overriding land division requirements.** All applications for land division within the Coastal Zone (except condominium conversion) shall satisfy the following requirements, as applicable, in addition to all applicable provisions of Sections 23.04.024 through 23.04.036. In the event of any conflict between the provisions of this section and those of Sections 23.04.024 through 23.04.036, this section shall prevail.

(1) **Water and sewer capacities - urban areas:** In communities with limited water or sewage disposal service capacity as defined by Resource Management System alert level II or III:

(i) Within an urban services line, new land divisions shall not be approved unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.

(ii) A proposed land division between an urban services line and urban reserve line shall not be approved unless the approval body first finds that sufficient water and sewage disposal service capacities are available to accommodate both existing development within the urban services line and development that would be allowed on presently vacant parcels within the urban services line.

(2) **Minimum parcel size between urban services and urban reserve lines:** In communities with limited water or sewage disposal service capacity problems as defined by Resource Management System alert Level II or III, new divisions of land (except divisions proposed by public agencies) between an urban services line and urban reserve line are subject to the following requirements:

(i) New parcels shall be no smaller than the largest minimum parcel size established for the subject land use category by Sections 23.04.024 through 23.04.036.

(ii) A cluster subdivision may be permitted (23.04.036) provided that the overall density does not exceed the base density computed by using the largest parcel size required for the applicable land use category by Sections 23.04.024 et seq.

(3) **Land divisions requiring new service extensions.** To minimize conflicts between agricultural and urban land uses, land divisions requiring new community water or sewer service extensions beyond the urban services line shall not be approved.

(4) **Conveyances of land by public agencies and other public entities.** In making the determination of whether public policy necessitates the filing of a parcel map pursuant to Section 21.48.015(9) of this code, the Planning Director at a minimum shall require a Tentative Parcel Map. Such map shall not be approved by the county unless found consistent with the Local Coastal Program.

(5) **Parcel size within domestic reservoir watersheds.** The minimum size for new parcels within a domestic reservoir watershed shall be 2.5 acres, except where:

(i) Sections 23.04.024 through 23.04.033 would require a larger parcel size; or

(ii) A proposed parcel is to be located within a cluster division pursuant to Section 23.04.036 with a maximum density of 2.5 acres or more per dwelling unit; or

(iii) A proposed parcel will be served by an approved community sewage collection, treatment and disposal system.

(6) **Highly-visible sites.** New land divisions where the only feasible building site would be on slope or ridgetop where a building would be silhouetted against the skyline as viewed from a public road shall be prohibited as required by Visual and Scenic Resources Policy 4 of the Local Coastal Plan.

(7) **Location of access roads and building sites.** Proposed access roads and building sites shall be shown on tentative maps and shall be located on slopes less than 20 percent.

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.04.022 - 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 Planning 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.

23.04.024 - Agriculture Category.

This section contains three methods for determining minimum parcel size in the Agriculture land use category for both prime and non-prime soils. 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 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. All divisions in the agriculture category shall be consistent with applicable agriculture policies contained in the Local Coastal Plan policy document and with the applicable overriding findings contained in subsection e and f of this section.

a. **Application content:** All applications for land divisions in the Agriculture land use category shall also include an agricultural viability report containing the following information, in addition to the information required by Title 21 of this code:

(1) Existing land uses on the site.

(2) Present annual income derived from agricultural operations and other income-generating operations on the site.

(3) Site characteristics affecting agricultural land use and production, including topography, soils, climate, water availability and adjacent land uses.

(4) The potential of the site to support future food-producing agricultural uses and estimated annual income from such uses.

(5) Potential effects of the proposed land division development on agricultural food production, both short-term and long-term.

(6) Recommendations and conclusions of the developments effect on agricultural production.

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 based on the type of existing agricultural use, with the required minimum being the largest area determined by the following tests. Where a site contains more than one agricultural use, each new parcel shall satisfy the minimum size for its respective use:

(1) **Crop production:**

AGRICULTURAL LAND USE	MINIMUM PARCEL SIZE
Irrigated row crops, specialty crops, nurseries, orchards and vineyards (examples: vegetables, strawberries, cut flowers and flower seed, avocados, kiwi, other fruits and nuts, wine grapes).	20 acres
Irrigated pasture, field crops, grain and hay (examples: sugar beets, alfalfa, irrigated grain and hay.)	30 acres
Dry Farm orchards, vineyards.	40 acres
Dry Farm field crops (examples: beans, specialty field crops.)	80 acres
Dry Farm grain and hay (examples: barley, wheat, oats, hay.	160 acres
Grazing	320 acres

(2) **Specialized animal facilities.** The minimum size for a new parcel occupied by a dairy, feedlot, hog ranch, horse ranch or poultry ranch with related permanent structures consistent with applicable requirements of Section 23.08.046 is 20 acres. In order to qualify for a 20-acre minimum parcel size, at least 18 acres of the proposed parcel must be occupied by one of the specialized animal facilities identified by this subsection.

(3) **Agricultural processing:** The minimum size for a new parcel with established agricultural processing facilities and structures shall be 20 acres.

(4) **Averaging test.** Where the average size of parcels in the agriculture category with equivalent uses immediately adjacent to the proposed division is higher than the sizes otherwise provided by this subsection, the minimum parcel size shall be the average of abutting parcels (including those that are separated only by a right-of-way).

c. **Size based upon land capability.** Where a parcel 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 tests:

(1) **Land capability test.** The minimum size for new parcels is to be based upon the Soil Conservation Service classification, as set forth in the following table. Where a site contains more than one soil type, each new parcel is to be designed so as to contain sufficient area of one soil type to satisfy the minimum parcel size requirement for each respective soil type.

LAND CAPABILITY CLASSIFICATION[1]	MINIMUM PARCEL SIZE
Class I	20 acres
Class II	40
Class III	80
Class IV - VI	160
Class VII - VIII	320

Notes:
1. Soil Conservation Service Classification.

(2) **Averaging test.** Where the average size of parcels in the agriculture category with equivalent soils immediately adjacent to the proposed division is higher than the sizes provided by subsection c(1), the minimum parcel size shall be the average of abutting parcels (including those which are separated only by a right-of-way).

d. **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 the terms of the preserve contract. However, approval of a land division under agricultural preserve contact is discretionary and a parcel size larger than the minimum designated in the contract may be required to ensure agricultural sustainability in accordance with the provisions of the adopted agricultural preserve rules of procedure.

(1) **Existing preserves:** The minimum parcel size for lands under agricultural preserve contract before the effective date of this title is to be no smaller than that defined by the terms of the executed preserve contract, as long as the contract remains in effect. The minimum parcel size is to be no smaller than that applicable to the preserve at the time of contract execution.

(2) **New preserves:** The minimum parcel size for lands under agricultural preserve contract executed after the effective date of this ordinance is to be no smaller than that determined through the process of contract negotiation, approval and execution, based upon the adopted agricultural preserve rules of procedure.

e. **Overriding requirements for division on prime agricultural soils.** Land divisions on prime agricultural soils as defined by this title shall be subject to the following requirements:

(1) The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the local agricultural economy would not be diminished;

(2) The creation of new parcels where the only building site would be on prime agricultural soils shall be prohibited;

(3) Adequate water supplies shall be available to maintain habitat values and to serve any proposed development and support existing agricultural viability.

f. **Overriding requirements for division of non-prime agricultural soils.** Land divisions on non-prime agricultural soils as defined by this title shall be subject to the following requirements:

(1) **Mandatory findings.** A proposed land division shall not be approved unless the approval body first finds that the division will maintain or enhance the agricultural viability of the site.

(2) **Application content.** The land division application shall identify the proposed uses for each parcel.

[Amended 1995, Ord. 2715]

23.04.025 - 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 of this section. The allowable minimum size is the largest area obtained from any of the tests, except as provided for cluster divisions by Section 23.04.036.

a. **Remoteness test:** The minimum parcel size is to be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line. Such distance is to 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. When a lot proposed for division is within the distances given from more than one reserve line, the smallest parcel size is to be used as the result of this test.

DISTANCE (ROAD MILES)		
From Urban or Village Reserve Lines	From Village Reserve Line	**MINIMUM PARCEL SIZE**
26+	16+	320 acres
21-25	11-16	160
16-20	6-10	80
11-15	0-5	40
0-10	N.A.	20

b. **Fire hazard/response time test.** The minimum parcel size is to 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.

	MINIMUM PARCEL SIZE	
RESPONSE TIME[1]	Moderate Hazard[2]	High Hazard[3]
15 Minutes or Less	20 Acres	20 Acres
More than 15 Minutes	80 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) of this section 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:

(i) The access road is identified as a collector or arterial by the Circulation or Land Use Element; or

(ii) 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 (Note 3)	Improved access (Note 3)	Private maintenance
160 Acres	Private easement (Note 3)	All weather road (Note 2)	Private maintenance
80 Acres	Minimum 40 foot ROW to county road	All weather road (Note 2)	Private maintenance
40 Acres	Minimum 40 foot ROW to county road	County standard gravel road (Note 1)	Organized maintenance (Note 2)
20 Acres	Minimum 40 foot ROW to county road	County standard gravel road (Note 1)	Organized 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."

2. An All-Weather Road is a road which can provide year-round access with-out 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 Chapter 23.11 (Definitions - Slope).

	MINIMUM PARCEL SIZE	
AVERAGE SLOPE	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 1992, Ord. 2570; 1995, Ord. 2715]

23.04.026 - 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 of this section. The allowable minimum size is the largest area obtained from any of the tests, except as provided for cluster divisions by Section 23.04.036.

a. **Remoteness test:** The minimum parcel size is to 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 are to 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 is to be used as the result of this test.

DISTANCE (ROAD MILES)		
From Urban Reserve Line	From Village Reserve Line	**MINIMUM PARCEL SIZE**
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 is to be based on the degree of fire hazard in the site vicinity, and the response time. Response time is the time necessary for 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.

	MINIMUM PARCEL SIZE	
RESPONSE TIME[1]	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) of this section 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:

(i) Parcels of less than 5 acres are proposed; the access road is identified as a collector or arterial by the Circulation or Land Use Element; or

(ii) 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 Chapter 23.11 (Definitions - Slope).

	MINIMUM PARCEL SIZE	
AVERAGE SLOPE	Outside GSA	Inside GSA[1]
Over 30% 16-30% 0-15%	10 Acres 7 Acres 5 Acres	20 Acres 10 Acres 5 Acres

Notes:
1. Geologic Study Area combining designation.

[Amended 1992, Ord. 2570; 1995, Ord. 2715]

23.04.027 - Residential Suburban Category:

The minimum parcel size for new lots 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 23.04.036.

a. **Slope test:** Site slope shall be measured as defined in Chapter 23.11 (Definitions - Slope).

	MINIMUM PARCEL SIZE	
AVERAGE SLOPE	Outside GSA	Inside GSA[1]
Over 30% 16-30% 0-15%	3 Acres 2 Acres 1 Acres	5 Acres 2.5 Acres 1 Acres

Notes:
1. Geologic Study Area combining designation.

b. **Water and sewer test:** The minimum parcel size is to be based upon the type of water supply and sewage disposal facilities to serve the proposed parcels, as follows:

	MINIMUM PARCEL SIZE	
WATER SUPPLY	Without Community Sewer	With Community Sewer
Individual well	2.5 Acres	1 Acre
Community water	1 Acre	1 Acre

[Amended 1992, Ord. 2570]

23.04.028 - 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 of this section for condominium-type projects, and except for cluster divisions pursuant to Section 23.04.036. 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:** 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 is to be applied only to the street that actually provides vehicular access.

ROAD TYPE[1]	MINIMUM PARCEL SIZE
Arterial	20,000 square feet
Collector	10,000 square feet
Local	6,000 square feet

Notes:
1. As identified by the Land Use Element (Part II).

b. **Slope test**. Site slope is to be measured as an average for each proposed parcel, as defined in Chapter 23.11 (Definitions - Slope).

	MINIMUM PARCEL SIZE	
AVERAGE SLOPE	Outside GSA	Inside GSA[1]
Over 30% 16-30% 0-15%	20,000 Sq. Ft. 8,500 Sq. Ft. 6,000 Sq. Ft.	1 Acre 15,000 Sq. Ft. 6,000 Sq. Ft.

Notes:
1. Geologic Study Area combining designation.

c. **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 5+ Minutes/Inch	 20,000 Sq. Ft. 1 Acre

d. **Condominiums:** A condominium, planned development or similar residential unit ownership project pursuant to Section 66427 et seq. of the Subdivision Map Act may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval, 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 23.04.084 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 23.04.028d.

(3) **Application contents.** The Development Plan application required by Subsection d - Condominiums, shall include all information specified by Chapter 2 of this Title, in addition to the following:

(i) **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)(ii).

(ii) **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.

(iii) **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:

(a) The name and address of developer and/or property owner.

(b) A copy of the Impact Report and Property Condition Report that are submitted in compliance with subsections e.(3)(i) and (ii).

(c) The approximate date that the units shall be vacated if the Development Plan and tentative map are approved.

(d) 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 Development Plan and tentative map.

(e) A general description of the relocation assistance to be provided pursuant to subsection e(5).

(f) 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.

(g) The approximate sales price of the tenant's unit.

(h) 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.

(i) 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.

(j) 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 23.01.060.

(i) Notice of intent to convert. A notice of "intent to convert" at least 60 days prior to submittal of the Development Plan 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.

(ii) 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.

(iii) Approval notice. An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.

(iv) 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.

(v) Termination of tenancy. A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Development Plan and tentative map to vacate his or her residential unit All relocation assistance to be provided, pursuant to Subsection e(5)(i) and (ii), shall be described. The said notice to be delivered

by U.S. mail to each tenant within 10 days of County approval of the Development Plan and tentative map.

(5) Conditions of approval. Approval of a Development Plan shall include the following conditions of approval at a minimum.

(i) 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 23.04.094. 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 23.04.094. If the project is subject to the affordable housing requirements of other ordinances or agencies then the most restrictive requirements shall apply.

(ii) 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.

(a) **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 23.04.094.

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.

(b) **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.

(iii) **Property improvements**. Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).

(iv) **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.

(v) **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.

(vi) **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.

(vii) **Covenants, Conditions, and Restrictions**. Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.

(viii) **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 Development Plan 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:

(i) 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 residential rental units 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.

(ii) 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.

[Amended 1992, Ord. 2570, 2584; 1995, Ord. 2715; 2006, Ord. 3112]

23.04.029 - 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:

	MINIMUM PARCEL SIZE	
TYPE OF SEWAGE DISPOSAL SYSTEM	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 or planned development pursuant to Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval. [Amended 1992, Ord. 2584]

23.04.030 - 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 Acres
Community water <u>and</u> sewer	10,000 Sq. Ft.

An industrial condominium or planned development pursuant to Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval.

[Amended 1992, Ord. 2584]

23.04.031 - 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, pursuant to Section 66428 of the Subdivision Map Act. The mini-mum 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.

23.04.032 - Recreation Category.

The minimum parcel size is to be determined through Development Plan approval (Section 23.02.034) by the Review Authority, 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 Development Plan review is to evaluate the appropriateness of a land division request on the basis of the type of development proposed and the character of the site vicinity. There is no predetermined minimum parcel size in the Recreation Category, however the range specified by the Land Use Element is as follows:

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. 2584]

23.04.033 - Open Space Category.

The minimum parcel size shall be determined through approval of a Development Plan as set forth in Section 23.04.034, by the Review Authority, unless a specific minimum parcel size is set by planning area standards (Land Use Element, Part II).

[Amended 1992, Ord. 2584]

23.04.036

23.04.036 - 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:** Development Plan approval pursuant to Section 23.02.034 through a public hearing held as set forth in Section 23.01.060, to occur at the same time as approval of a tentative map. Development Plan 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. [Amended 1992, Ord. 2584]

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 23.04.025 et seq. applicable to the land use categories in which the site is located, except:

(1) 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 below.

(2) Where division is proposed between an urban services line and urban reserve line in a community that is subject to a Resource Management System alert Level II or III, the number of lots that may be clustered shall be determined as set forth in Section 23.04.021c(2), and no density increase bonus shall be allowed pursuant to subsection c of this section.

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 Development Plan approval, where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects.

[Amended 1992, Ord. 2584]

d. Lot size and open area requirements: The minimum size of lots created through cluster division is to be as specified in the following table:

AREA OF BUILDABLE LOTS[1]			
Land Use Category	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. [Amended 1992, Ord. 2584]

e. Design standards:

(1) Open space parcel required. A cluster division is to 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 is not to 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 is to be maintained as open space as long as the clustered lots exist, or such other period designated through Development Plan approval. Such period is to be guaranteed by open space easement, or dedication of fee or partial fee title to a public or quasi-public agency. [Amended 1992, Ord. 2584]

(3) Site design:

(i) Site disturbance is to be minimized by clustering, road location along contours, and building site selection.

(ii) Access to off-site roads is to be controlled, with parcels having access from interior roads wherever feasible.

(iii) Development is to 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 1992, Ord. 2584]

23.04.040 - Minimum Site Area.

Minimum site area is the smallest existing lot size for which a building permit will be issued. Sections 23.04.040 through 23.04.048 set minimum site area standards for the use of existing lots. These standards are not to be used to determine the required parcel size for new land divisions, which are instead subject to Sections 23.04.020 et seq. (Parcel Size). Any legally created lot may be used for any use where designated as an "A" use by Table O, Part I of the Land Use Element, regardless of whether the lot satisfies the minimum parcel size standards for new lots set by Sections 23.04.020 et seq. (Parcel Size), provided that:

a. The existing lot proposed for use is not smaller than the minimum site area required for the proposed use by Section 23.04.044 (Required Area), or Chapter 23.08 (Special Uses), or by the planning area standards of the Land Use Element (Part II).

b. The lot is of sufficient size to satisfy all applicable requirements of Sections 23.04.060 et seq. of this chapter, without the need for a variance based upon inadequate parcel size.

c. The proposed use is authorized by the appropriate land use permit as determined by Chapters 23.03 or 23.08 of this title, or planning area standard of the Land Use Element.

23.04.042 - 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.

23.04.044 - Required Area:

The following land uses are to be located only on sites with the minimum areas specified, unless other minimum site area requirements are established by Chapter 23.08 for special uses, by

Chapter 23.07 for Combining Designations or by the Planning Area Standards of the Land Use Element.

a. **Agricultural uses:** No minimum site area.

b. **Communications uses:** No minimum.

c. **Cultural, education and recreation uses:** No minimum site area, except as follows:

(1) **Off-Road vehicle courses:** 20 acres, or larger size determined by the Planning Commission through the process of Development Plan review based upon the nature and location of the proposed use and its potential impacts.

(2) **Public assembly and entertainment:** 20,000 square feet. In the case of a theater located within a shopping center or parking district, the minimum area may be combined with other uses and common parking facilities.

d. **Manufacturing and processing:** No minimum site area, except as follows:

(1) **Food and kindred products:** Five acres for tallow works and rendering plants; no minimum site area for other uses.

(2) **Metal industries, primary:** Five acres.

(3) **Paving materials:** One acre.

(4) **Petroleum refining and related industries:**

(i) 20 acres for refineries and tank farms;

(ii) 20,000 square feet for petroleum product distributors where all storage is underground or within a building.

e. **Residential uses:** The minimum site area for any residential use is 6,000 square feet, except as follows:

(1) **Multiple-family dwellings:** 6,000 square feet for two units. Minimum site area for additional units is established by Section 23.04.084 (Residential Intensity - Multi-Family Dwellings).

(2) **Single-family residence:** 1,750 square feet, except:

(i) One acre is required where a well and septic system are to be located on a single lot; and

(ii) Two and one-half 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 less. 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 sighting.

(iii) As provided by Section 23.04.048 (Lot Consolidation).

(3) **Mobilehomes:** As required by Section 23.08.163 (Individual Mobilehomes).

f. **Resource extraction:** No minimum site area.

g. **Retail trade:** No minimum.

h. **Services:** No minimum site area, except as follows:

(1) **Correctional institutions:** 20 acres, except where Section 23.04.020 would require a larger minimum parcel size.

(2) **Waste disposal sites:** 20 acres.

i. **Transportation:** One acre, except that piers, pipelines and power transmission, public utility centers, transit stations and terminals require no minimum.

j. **Wholesale trade:** No minimum.

23.04.048 - 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 and a single building site, except as otherwise provided by this section. No sale, transfer, division or development of less than all of such single parcel shall occur unless the portion or portions of the single parcel to be sold, transferred, divided or developed are in conformity with the provisions of this title as modified by this section.

(1) Where sewage disposal is by community sewage system:

(i) **Minimum lot size:** 3,500 square feet.

(ii) **Minimum lot width:** 40 feet, measured along the front setback line (Section 23.04.108).

(2) Where sewage disposal is by individual sewage disposal system:

(i) **Minimum lot size:** 6,000 square feet where served by community water; one acre where served by a domestic well.

(ii) **Minimum lot width:** 50 feet, measured along the front setback line (Section 23.04.108).

23.04.050 - Non-Agricultural Uses in the Agriculture Land Use Category:

This section establishes permit requirements and standards for non-agricultural uses in the Agriculture category consistent with Local Coastal Plan Agricultural policies 3, 4, and 5.

a. **Sighting of structures.** A single-family dwelling and any agricultural accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.

b. **Supplemental non-agricultural uses.**

(1) **Supplemental non-agricultural uses defined:** Uses allowed by Coastal Table "O" in the Agriculture category that are not directly related to the principal agricultural use on the site. (Example: where crop production or grazing are the principal agricultural use of a parcel, petroleum extraction, mining or rural sports and group facilities may be allowed as supplemental non-agricultural uses consistent with this section.)

(2) **Priority supplemental non-agricultural uses.** When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed by Coastal Table "O", Part I of the Land Use Element.

(3) **Permit requirement:** Minor use permit approval, unless Development Plan approval is otherwise required by another provision of this title or planning area standard of the Land Use Element.

(4) **Required findings:** Supplemental non-agricultural uses may be established only if the following findings are made by the applicable approval body:

(i) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and

(ii) The least amount of prime soils possible will be converted; and

(iii) The proposed use will not conflict with surrounding agricultural lands and uses.

(5) **Application content.** In addition to the information required for a land use permit application by Sections 23.02.033 et seq. of this title, the application for a supplemental non-agricultural use shall also include the following:

(i) The site layout plan shall identify all portions of the site that are undevelopable, that are not suitable for agriculture, or that are intended to be used for agricultural purposes.

(ii) Documentation which demonstrates that revenues to affected local governments as a result of the project will equal the public costs of providing and/or maintaining roads, water, sewer, fire and police protection to serve the project.

(iii) Documentation which demonstrates that the proposed project is designed and sited to protect habitat values and to be compatible with the rural character of the surrounding area.

(iv) Proposed provisions for public coastal access consistent with Local Coastal Plan policies for lateral and vertical access in agricultural areas, if the site is located between the first public road and the ocean.

(6) **Site design and development standards.** A land use permit for a supplemental non-agricultural use shall not be approved unless the proposed project will satisfy all the following requirements:

(i) **Project location.** The project shall be designed so that no development occurs on prime agricultural soils, except where it is demonstrated that all agriculturally unsuitable land on the site has been developed or cannot be used because of terrain constraints.

(ii) **Limitation on project area.** The total area of the site allocated for supplemental non-agricultural uses shall not exceed two percent of the gross site area.

(iii) **Priority for agricultural use.** The primary use of the site shall be the continuing, renewed or expanded production of food and fiber. The proposed supplemental use shall support, not interfere with, and be economically necessary to the primary use of the site as a productive agricultural unit.

(iv) **Prevention of land use conflicts.** The proposed use shall be designed to provide buffer areas between on- and off-site agricultural and non-agricultural uses to minimize land use conflicts.

(v) **On-site water resources.** Adequate water resources shall be available to the site, to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

(vi) **Urban services prohibited.** No extension of urban sewer and water services shall be permitted to support on-site agricultural operations or other uses, except for reclaimed wastewater that may be used for agricultural enhancement.

(vii) **Land division prohibited.** The project shall not require land division.

(7) Guarantee of continuing agricultural or open space use. As a condition of approval of a supplemental non-agricultural use, the applicant shall insure that the remainder of the parcel(s) be retained in agriculture, and if appropriate, open space use by the following methods:

(i) Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. Such easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing, and a single-family dwelling accessory to the agricultural use.

(ii) Open space easement. The applicant shall grant an open space easement to the county over all lands shown on the site plan as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

(iii) Procedures for agricultural or open space easements. Any easement required by this section shall be reviewed as set forth in Section 23.04.420g(4) of this title.

23.04.080 - Residential Density.

The number of dwelling units that may be established on a site that is in conformity with Section 23.04.040 et seq. (Minimum Site Area), is based upon the land use category applied to the site by the Land Use Element. This chapter 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 23.08.161 and 23.08.167, respectively.) The residential density provisions of this chapter are organized into the following sections:

23.04.082	Single-Family Dwellings
23.04.084	Multi-Family Dwellings
23.04.090	Affordable Housing Bonus

23.04.082 - Single-Family Dwelling:

In land use categories where single-family dwellings or mobilehomes are identified by the Land Use Element as "A" uses, the number of dwellings allowed on a single lot is as follows, provided that mobilehomes shall also comply with Section 23.08.163 (Individual Mobilehomes):

a. Rural Lands: Two for each legal parcel as defined in Chapter 23.11 (Definitions - Parcel).

b. Residential categories: One for each legal parcel as defined in Chapter 23.11 (Definitions - Parcel), except as follows:

(1) **Areas with special density standards:** Where planning area standards of the Land Use Element establish density requirements, the planning area standards shall control and determine the number of allowed dwelling units.

(2) **Density bonus projects:** The number of dwelling units allowed in a project that proposes affordable housing pursuant to Section 65915 of the Government Code shall be as determined by Section 23.04.090.

(3) **Residential Multi-Family category:** The number of dwelling units allowed on a lot in the Residential Multi-Family category is to be as allowed in Section 23.04.084 (Multi-Family Dwellings).

(4) **Secondary dwellings:** A secondary dwelling may be established in addition to the unit authorized by this section, if allowed by Section 23.08.169 (Secondary Dwellings).

(5) **Detached Guesthouse/Home Office:** A detached guesthouse/home office may be established accessory to the unit authorized by this section, in compliance with Section 23.08.032e (guesthouse/home office).

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

(1) **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.

(2) **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 is to be construed as having any effect upon a land division request.

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.04.084 - Multi-Family Dwellings:

The number of multiple family dwellings (as defined by the Land Use Element, Chapter 7, Part I), 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 23.08.168 (Residential Uses in the Recreation Land Use Category.) In areas where the maximum number of units per acre is specified by planning area standards (Part II of the Land Use Element), the allowed intensity factor, maximum floor area and minimum open area shall correspond to the maximum units per acre as provided by subsection b. below.

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

	INTENSITY FACTOR		
	Low	Medium	High
Type of Road Access			
Unpaved Road	X		
Paved Local Street		X	
Paved Collector or Arterial[1]			X
Sewer Service			
On-site septic	X		
Community sewer			X
Distance[2] from Central Business District			
More than 1 mile	X		
One mile or less		X	
Less than 1,000 ft.			X

Notes:

1. Site access may be from a cross street where the site abuts a collector or arterial.
2. Straight-line distance.

b. **Determining allowable density:** The allowable density, maximum floor area and minimum open area for a multiple-family site is to 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 23.04.084 - 090 more than one dwelling unit, pursuant to Section 23.04.044e(1) (Minimum Site Area - Multi-Family Dwellings):

INTENSITY FACTOR	MAXIMUM 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.

23.04.090 - Affordable Housing Density Bonus: Within the Residential Single-Family and Residential Multi-Family land use categories, an applicant may request a density bonus and other incentives in return for agreeing to construct and sell or rent affordable housing pursuant to Government Code Section 65915, as provided in this section. Such 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 required under this section must consist of completed single-family or multi-family dwellings. Standards for maximum rents, sales prices and long-term affordability of the designated affordable housing units provided pursuant to this section are contained in Section 23.04.094 of this title. The purpose of this section is to make the provision of affordable housing more attractive to the private developer while retaining good design and neighborhood character.

a. **Permit requirement:** A project proposing an affordable housing density bonus shall be subject to Development Plan approval as set forth in Section 23.02.034 (Development Plan), except that:

(1) The purpose of the Development Plan review shall be to evaluate the entire project with respect to its compliance with the provisions of this section and Section 23.04.094, and with the findings specified by Section 23.02.034c(4).

(2) The Development Plan 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.

b. **Determining base density:** For purposes of determining inclusionary housing requirements and density bonuses pursuant to this Section, the concept of base density is applied. Base density is the theoretical maximum number of dwellings, or in the case of a residential land division, the theoretical maximum number of residential parcels that may be allowable on the potentially developable portion of a given site under the county code, not including any density bonuses as provided under this title or state statute. For purposes of calculating base density, any area of land on a given site that is not potentially developable due to hazards or other environmental and resource factors (including, but not limited to, areas of sensitive habitat, steep slopes, significant public views, public accessways, or geologic instability) shall not be considered potentially developable and shall be excluded from the base density calculation (i.e., base density shall be determined based only on the potentially developable portion of a given site). 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 the county 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 the potentially developable portion of the site in the Residential Multi-Family land use category is the number of multi-family dwellings that are allowable on the site pursuant to Section 23.04.084 (Multi-Family Dwellings).

(2) **Residential Single-Family category:** The base density for the potentially developable portion of the site in the Residential Single-Family land use category is equal to the total usable site area divided by the applicable minimum parcel size pursuant to subsections 23.04.028a, b and c, except that average slope for the entire site may be used for the slope test under subsection 23.04.028b instead of the average slope for each proposed parcel**.**

[Amended 2011, Ord.3170, Resolution 2011-23]

c. **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 pursuant to 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 as provided under Subsection b of this section.

(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 pursuant to Section 23.04.094 of this title in an amount equal to or exceeding those listed below. The density bonus units are not included when computing the ten, twenty or fifty percent of the base density.

(i) Ten percent of the base density as determined under Subsection b of this section for families of very low-income; or

(ii) Twenty percent of the base density as determined under Subsection b of this section for families of lower-income; or

(iii) Fifty percent of the base density as determined under Subsection b of this section for senior citizens of low or moderate-income.

(6) **Continued availability of affordable housing:** Affordable housing units provided under this section shall be subject to the long-term housing affordability provisions described in Section 23.04.094 of this title.

(i) The additional increase in allowable density (above 25 percent) as described in Subsection e of this section;

(ii) A reduction in the open area required for cluster divisions under Section 23.04.036d of this title pursuant to Subsection g(8) of this section;

(iii) Any financial assistance that the county provides directly or administers on behalf of state or federal funding programs;

(iv) 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.

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

e. **Determining allowable density with bonus:**

(1) **Residential Single-Family land use category:** The maximum allowable density is determined by multiplying the base density as determined under Subsection b of this section by a factor of 1.35 if the affordable housing units are proposed to be provided on the site proposed to receive a density bonus, or a factor of 1.30 if the affordable housing units are proposed to be provided on a site separate from that proposed to receive a density bonus. The minimum parcel size permitted under Section 23.04.028 of this title in the Residential Single-Family land use category may be decreased by the same percentage factor that is used to increase the number of housing units. However, where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions will be granted by the county, the minimum parcel size permitted under Section 23.04.028 may be decreased by only 25 percent. Where a proposed project may otherwise qualify for other density bonuses in addition to the provisions of this section (e.g. through the cluster division provisions of Section 23.04.036 of this title) only one such bonus may be used.

(2) **Residential Multi-Family land use category:** The maximum allowable density is determined by multiplying the base density as determined under Subsection b of this section by a factor of 1.35 if the affordable housing units are proposed to be provided on the site proposed to receive a density bonus, or a factor of 1.30 if the affordable housing units are proposed to be provided on a site separate from that proposed to receive a density bonus. The maximum floor area

permitted under Section 23.04.084 of this title in the Residential Multi-Family land use category may be increased by the same percentage factor that is used to increase the number of housing units. However, where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions will be granted by the county, the maximum floor area permitted under Section 23.04.084 can be increased by only 25 percent.

f. **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 Office of County Counsel and the Director of the County Department of Planning and Building.

g. **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.

(1) **Lot width:** The minimum lot width for each parcel shall be 35 feet measured at the front setback.

(2) **Front setback:** The minimum front setback shall be 18 feet, except for cluster divisions authorized under section 23.04.036 of this title.

(3) **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.

(4) **Rear setback:** The minimum rear setback shall be 10 feet.

(5) **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.

(6) **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 23.04.036 of this title, in which case the structural coverage shall not exceed 70 percent of the total area of each parcel.

(7) **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.

(8) **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% where feasible given the physical characteristics of the site.

[Amended 1992, Ord. 2579; 2004, Ord. 2995; 2006, Ord. 3109]

23.04.092 - Affordable Housing Required in the Coastal Zone: This section provides for the implementation of California Government Code Section 65590, which requires that housing opportunities in the Coastal Zone for persons and families of low or moderate income shall be protected, encouraged and where feasible, provided. It also recognizes that the provision of affordable housing may not be feasible in some developments.

a. **Applicability of standards:** The standards of this section apply only to the following types of projects located within the Coastal Zone:

(1) **New housing projects containing** 11 or more dwelling units or parcels, created by a single developer. Such projects include multi-family rental or ownership units, single-family units where 11 or more units are proposed on a single building site or within a subdivision, or a subdivision of 11 or more residential lots for sale.

(2) **Demolition or conversion** of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to condominium, cooperative or similar form of ownership, where the proposed demolition or conversion involves three or more dwelling units in one structure, or 11 or more dwelling units in two or more structures if any such units were occupied by persons or families of low or moderate income (as defined by California Health and Safety Code Section 50093) in the 12 months prior to filing the land use or division application for the project, except where demolition or conversion is to provide for a "coastal dependent" or "coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code.

(3) **Demolition or conversion** of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to a non-residential use which is not "coastal dependent" as defined in Section 23.11.030 of this title and Section 30101 of the California Public Resources Code.

b. **Requirements applicable to proposed demolitions or conversions:**

(1) **Demolition or conversion to non-residential use:** The demolition or conversion of any residential structure to a non-residential use as described in Subsection a(3) of this section shall not be authorized unless the Review Authority finds that any residential use at that site is no longer feasible, based on substantial evidence provided by the applicant. If the Review Authority makes this finding, and the proposed demolition or conversion involves three or more dwelling units in one structure or 11 or more dwelling units in two or more structures, and the proposed demolition or conversion is not to provide for a "coastal dependent" or

"coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code, then affordable replacement units as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.

(2) **Demolition or conversion to condominium, cooperative or similar form of ownership:** Replacement units affordable to persons and families of low or moderate income as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.

(3) **Continued availability of affordable housing:** Affordable replacement housing units provided under Subsection b(1) or b(2) shall be subject to the long-term housing affordability provisions described in Section 23.04.094.

c. **Requirements applicable to proposed new housing projects:** The following standards apply to the types of projects described in Subsection a(1) of this section:

(1) **Amount of required affordable housing:** Except as provided in Subsection c(2) of this section, 15 percent of the units will be provided as affordable housing for persons and families of low or moderate income as defined in Section 23.04.094. Provision of 15 percent of the project as affordable housing shall be presumed feasible unless the Review Authority finds that the project should not be reasonably expected to provide that level of affordable housing, as provided in Subsection c(2) of this section. Projects receiving a density bonus in return for agreeing to provide affordable housing for persons or families of very low-income or lower-income pursuant to Section 23.04.090 of this title are not required by this section to provide more affordable housing than is required to qualify for the density bonus.

(2) **Feasibility finding required for fewer affordable housing units:** In order to approve a new housing project with fewer affordable housing units than otherwise provided by Subsection c(1) of this section, the Review Authority shall first find, based on substantial evidence provided by the applicant, that the level of affordable housing provided by the proposed project is all that may be feasiblely accomplished in a successful manner within a reasonable period of time, taking into account the economic, environmental, social and technical factors affecting the project.

(3) **Continued availability of affordable housing:** Affordable housing units provided under Subsection c(1) or c(2) shall be subject to the long-term housing affordability provisions described in Section 23.04.094.

d. **Location and timing for provision of affordable units:** New or replacement affordable housing units required by this section may be placed on the same site as the other new housing units or demolished or converted units, or at some other site in the same community, provided that all other requirements of this title allow for such development. The affordable housing units must be completed, and their county construction permits finalized, before the construction permits for the market rate units shall be finalized by the county, 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 Office of County Counsel and the Director of the County Department of Planning and Building. In any case, the period of time for provision of the new or replacement housing units required by this section shall not exceed that established by Section 65590 of the California Government Code.

[Added 1992, Ord. 2579; Amended 2004, Ord. 3001; 2004, Ord. 2995; 2006, Ord. 3109]

23.04.094 - 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 23.04.090 of the Coastal Zone Land Use Ordinance, Title 23 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) Requiring provision of affordable housing under Section 23.04.092 of the Coastal Zone Land Use Ordinance, Title 23 of the County Code, or

(5) 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. 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 which will enable purchase of the affordable housing units by the eligible households without their monthly housing costs exceeding thirty or thirty-five 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:

(i) **Studio:** use the median income for a one-person household.

(ii) **One-bedroom unit:** use the median income for a two-person household**.**

(iii) **Two-bedroom unit:** use the median income for a three-person household**.**

(iv) **Three-bedroom unit:** use the median income for a four-per household.

(v) **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 income group shall be calculated as the following percentages of the median income amounts determined in step 1 above, as follows:

a. Extremely low-income: 30 percent of 30 percent of median household 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 thirty 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 of this section 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, are not to 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) **Low or 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) of this Section.

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 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 party that agrees to execute a new Option to Purchase at Restricted Price Agreement with a term of 45 years.

(2) **Inclusionary housing units**: For any Inclusionary housing unit that is subject to Section 23.04.096 of this title and will be sold as an ownership unit, if there is a sales price difference of 10% or less between the current appraised market value of the unit and the affordable sales price established by this Section then that Inclusionary housing unit shall be reserved as affordable housing for a period of thirty (30) years in the following manner. When the Inclusionary housing unit is first sold to an eligible buyer, or when the owner-builder of a designated Inclusionary housing unit requests final permit approval for occupancy of his residence, the buyer and the County or the owner-builder and the 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 Agreement and deed of trust shall establish the monetary difference between the initial affordable purchase price and the initial appraised market value as a loan payable to the County. Said loan shall accrue interest at a rate equal to 4.5 points added to the 11th District Cost of Funds as currently published by the Federal Home Loan Bank, amortized over 30 years. The monthly payments of principal and interest shall be waived by the County as long as the owner who was previously approved by the County as an eligible buyer or as an owner-builder continues to own and reside in the Inclusionary unit as his or her principal residence, and also continues to be a legal resident of the County of San Luis Obispo. Upon resale to a non-eligible buyer the County loan amount shall be determined by the Planning and Building Department and shall be adjusted to ensure that the resale price is not lower than the original affordable price, and to allow recovery of any downpayment and value of structural improvements.

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:

(i) Foreclose on the subject property pursuant to the remedies permitted by law and written in a recorded contract or deed of trust; or

(ii) 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

(iii) 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.

(3) **Rental units:** Prior to issuance of any project construction permits the property owner and the County shall enter into and record a Rent Limitation Agreement 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 of this section for a period of at least 55 years. Such 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.

[Added 1992, Ord. 2579, Amended 2004, Ord. 2995; 2006, Ord. 3109, Amended 2011, Ord 3170]

23.04.096 - Inclusionary Housing

a. **Purpose statement**. The purpose and intent of this Section is to:

(1) Implement Housing Element Program HE 1.9 - Require Development of Affordable Housing.

(2) Fulfill the responsibility of the County under State Housing Law (California Government Code Section 65580 et seq.) to provide housing opportunities for all economic segments of the County.

(3) Address the shortage of affordable housing in the County for households with incomes below 160 percent of median.

(4) Provide opportunities for persons who work throughout the County to live closer to employment centers in order to reduce the length and number of vehicle trips.

(5) Promote the vitality of local businesses by ensuring that housing affordable to their employees is available near the place of business.

b. **Exemptions and Applicability.** When development is subject to the provisions of this Section or Section 23.04.092 (Affordable Housing Required in the Coastal Zone), the applicant shall comply with the more restrictive code. The more restrictive code shall be the one that requires the highest number of affordable housing units to be provided. Should a conflict arise between this Section or Section 23.04.092 or with a community planning standard regarding the number of affordable housing units to be provided, then the section or standard that requires the highest number of affordable housing units shall prevail.

When development is subject to the provisions of this Section or Section 23.04.092, the applicant may choose instead to comply with the density bonus provisions of Government Code 65915 or Section 23.04.090 (Affordable Housing Density Bonus). If a conflict arises between the state and county density bonus codes, the state code shall prevail.

Nothing in this Section shall be construed to supersede or in any way alter or lessen the effects or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code.

This Section shall apply to all residential development with two or more dwelling units and to all commercial or industrial development with 5,000 square feet of floor area or more, except as follows:

(1) **Exemptions**. The following development is exempt from the requirements of this Section:

(i) Development that is non-residential or non-commercial in nature, such as educational facilities (i.e., schools and museums), religious institutions, public facilities and public infrastructure.

(ii) Rental housing secured for a period of 10 years or longer, to the satisfaction of the County.

(iii) Affordable housing development secured for a period of 30 years or longer, to the satisfaction of the County.

(iv) Any residential condominium conversion that is subject to the provisions of Section 23.04.028 - Residential Single Family and Multi-Family Categories.

(v) Residential development that complies with California Government Code Section 65915 et seq. (the "State density bonus law"). Any affordable housing units provided in conformance with the State density bonus law will simultaneously satisfy the requirements of this Section.

(vi) Dwelling unit(s) of less than 900 square feet in size (each).

(vii) Residential addition, repair or remodel work that does not increase the number of existing residential dwellings.

(viii) Commercial structure repair or maintenance. Commercial structure addition or conversion to different commercial uses, cumulatively not exceeding 5,000 square feet.

(ix) Reconstruction of any structures destroyed by fire, flood, earthquake or other acts of nature provided that the reconstruction of the site does not increase the number of residential units or size of non-residential floor area beyond County approved pre-existing conditions.

(x) Live-work units secured for a period of 10 years or longer, to the satisfaction of the County.

(xi) Residential care-taker units.

(xii) Residential care facilities.

(xiii) Farm support quarters.

(xiv) Employee housing units (deed restricted for very low, low, moderate and/or workforce households).

(xv) Secondary dwelling units.

(2) **Applicability**. The following development is subject to the requirements of this Section:

(i) Residential development with two or more dwelling units.

(ii) Commercial/industrial development with a floor area of 5,000 s.f. or more.

(iii) Mixed-use development.

(iv) Subdivision of land.

(v) Construction of two or more new housing units on existing parcels.

c. **Inclusionary requirements for residential development.** For all residential development subject to this Section, the base density shall be determined at the time of application submittal pursuant to Subsection d, and a portion of that base density shall be restricted for occupancy by workforce, moderate, low or very-low income households as follows:

(1) **Required Inclusionary housing by income group**. Inclusionary housing units shall be provided for each income group as follows:

Percentage of Base Density that shall be Inclusionary Housing Units

Income Group	Year 1	Year 2	Year 3	Year 4	Year 5 and thereafter
Workforce households	1%	2%	3%	4%	5%
Moderate income households	1%	2%	3%	4%	5%
Low income households	1%	2%	3%	4%	5%
Very Low income households	1%	2%	3%	4%	5%
Project Total	4%	8%	12%	16%	20%

Year 1 shall begin on the 31st day following the adoption of this Section by the Board of Supervisors

(2) **Establishing the Inclusionary requirement and fee schedule.** For all residential development the Inclusionary requirement is established upon approval of the land use permit or tentative approval of the subdivision map, whichever comes first. When the applicant proposes to pay in-lieu fees, pursuant to Subsection E.2 below, the appropriate in-lieu fee schedule to use will be determined as follows:

(i) Projects subject to ministerial permit or discretionary permit approval shall be subject to the in-lieu fee schedule in effect at the time that the construction permit for each single family dwelling unit or each multi-family structure is issued.

(ii) For residential subdivisions in which the subdivider pays the in-lieu fee at the time of map recordation, the subdivision shall be subject to the in-lieu fee schedule in effect at the time the final map is recorded. The subdivided parcels resulting from the original subdivision map and subsequent development of the subdivided parcels shall not be subject to further Inclusionary housing requirements, unless the parcels are subject to further subdivisions that eliminate the boundaries of the subdivided parcel.

(iii) For residential subdivisions, including residential condominium subdivisions, in which the subdivider defers fee payment until sale of the parcel or unit, the subdivided parcels or units shall be subject to the in-lieu fee schedule in effect at the time that the residential construction permit(s) for the parcel or unit is issued.

(3) **Sequence of income groups applicable to required Inclusionary housing units.** The first required Inclusionary housing unit shall be for Workforce households, the second for moderate-income households, the third for lower-income households and the fourth for very low-income households. This sequence is repeated for each additional required Inclusionary housing unit(s).

(4) **Fraction of Inclusionary housing units.** If the number of Inclusionary housing units required includes a fraction of a unit then the applicant shall pay a pro-rated in-lieu fee for the fractional unit, pursuant to Subsection e(2), or provide a whole unit.

(5) **Subdivision of land.** The subdivision of land is subject to this Section. Alternative methods may be used to satisfy the inclusionary housing requirements, pursuant to Subsections e, f(1) and f(3). If in-lieu fees or housing impact fees are used, the fees may be paid prior to map recordation or deferred. If the fees are deferred then an Inclusionary Housing Agreement and/or trust deed(s) shall be recorded at the time the subdivision map is recorded, pursuant to Subsections j(3) and j(4).

d. **Determining base density.** For the purposes of determining inclusionary housing requirements and density bonuses pursuant to this Section, the concept of base density is applied. Base density is the theoretical maximum number of dwellings, or in the case of a residential land division, the theoretical maximum number of residential parcels that may be allowable on the potentially developable portion of a given site under this Title, not including any density bonuses as provided under this Title or state statute. For purposes of calculating base density, any area of land on a given site that is not potentially developable due to hazards or other environmental and resource factors (including, but not limited to, areas of sensitive habitat, steep slopes, significant public views, public access ways, or geologic instability) shall not be considered potentially developable and shall be excluded from the base density calculations (i.e., base density shall be determined based only on the potentially developable portion of a given site). 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 units. However, base density as determined under this Section does not affect the provisions of the county 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 the potentially developable portion of the 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 23.04.084 - Multi-Family Dwellings.

(2) **Residential Single-Family category.** The base density for the potentially developable portion of the 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 23.04.028a, b and c, except that average slope for the entire site may be used for the slope test under Subsection 23.04.028b instead of the average slope for each proposed parcel.

(3) **Other land use categories.** The base density for the potentially developable portion of the site in a land use category other than Residential Single-Family or Residential Multi-Family is the maximum number of residential parcels that are allowable under this Title, not including any density bonus as provided under this Title.

e. **Alternative methods for residential projects.** One or more alternative methods, such as constructing the Inclusionary housing units on-site or off-site, payment of an in-lieu fee or donation of land may be used to satisfy the requirements of this Section. Pursuant to Subsection j below the applicant shall submit a statement that includes a description of the required number of Inclusionary housing units and any alternative methods proposed to meet the requirements of this Section.

(1) **On-site Inclusionary housing units.** The applicant may choose to provide all or a portion of the required Inclusionary housing units on-site, provided that the Inclusionary housing units are not constructed on prime agricultural soil.

(2) **In-lieu fee.** The applicant may propose to pay an in-lieu fee instead of providing Inclusionary housing unit(s). The fee may be paid when construction permits are issued or be deferred. An Inclusionary Housing Agreement is required when fee payment is deferred until after construction permit issuance or subdivision map recordation, pursuant to Subsections j(3) and j(4). Fee payment may be deferred until the time of sale of individual ownership residential units or prior to final permit approval for occupancy for individual rental residential units. Where feasible, the cost of the in-lieu fee shall be spread evenly among the project's residential units. The in-lieu fee schedule is updated annually by resolution of the Board of Supervisors, and can be found in the Implementation Guidelines Manual.

(3) **Off-site construction.** To the extent allowed by this Title and the applicable County ordinances, the applicant may propose to build Inclusionary housing units off-site. The number and sequence of Inclusionary housing units built off-site shall be equivalent to what is required for on-site Inclusionary housing units. Off-site unit(s) shall meet all the applicable standards and criteria of this Section, including but not limited to the standards of Subsection h(5) - Off-site construction.

(4) **Land donation.** The applicant may donate land located on-site or off-site. Such land donation(s) shall meet all of the standards and criteria that apply to land donation offers, including but not limited to the standards of Subsection h(6) - Land donation.

f. **Inclusionary requirements for commercial, industrial and mixed-use development.** Commercial and industrial development of 5,000 square feet or more of floor area for commercial or industrial use requires the payment of a housing impact fee or construction of Inclusionary housing units.

(1) **Payment of housing impact fee.** The fee may be paid when the construction permit is issued. An Inclusionary Housing Agreement is required when fee payment is deferred until after construction permit issuance or subdivision map recordation, pursuant to Subsections j(3) and j(4). The housing impact fee may be paid prior to final permit approval for occupancy for new structures, structural additions, and for any remodel work or conversion of existing structures to

a new or different commercial or industrial use. For commercial subdivisions, fee payment may be deferred no later than the sale of individual units. If no construction permit is issued then the housing impact fee shall be paid prior to approval of any land use permit for new or converted commercial or industrial structure(s). The housing impact fee schedule is updated annually by resolution of the Board of Supervisors, and can be found in the Implementation Guidelines Manual.

(2) **Establishing the Inclusionary requirement and fee schedule.** For all commercial, industrial, and mixed-use development the Inclusionary requirement is established upon approval of the land use permit or tentative approval of the subdivision map, whichever comes first. When the applicant proposes to pay housing impact fees, pursuant to Subsection f(1) above, the appropriate housing impact fee schedule to use will be determined as follows:

(i) Projects subject to ministerial permit or discretionary permit approval shall be subject to the housing impact fee schedule in effect at the time that the construction permit for each structure is issued. Projects for which no construction permit will be issued shall use the housing impact fee schedule in effect at the time that the land use permit is approved.

(ii) For commercial/industrial subdivisions in which the subdivider pays the housing impact fee at the time of map recordation, the subdivision shall be subject to the housing impact fee schedule in effect at the time the final map is recorded. The subdivided parcels resulting from the original subdivision map and subsequent development of the subdivided parcels shall not be subject to further Inclusionary housing requirements, unless the parcels are subject to further subdivisions that eliminate the boundaries of the subdivided parcel.

(iii) For commercial/industrial subdivisions, including condominium subdivisions, in which the subdivider defers fee payment until sale of the parcel or unit, the subdivided parcels or units shall be subject to the housing impact fee schedule in effect at the time that the construction permit(s) for the parcel or unit is issued.

(3) **Alternative methods for commercial/industrial projects.** As an alternative to paying the housing impact fee, the applicant may propose to satisfy the Inclusionary housing requirement by using any one or a combination of the following alternative methods:

(i) Construction of housing units. To the extent allowed by this Title and County ordinances, the applicant may propose to build Inclusionary housing units on-site or off-site. The required number of Inclusionary housing units shall be determined as follows:

(a) Calculate the required amount of housing impact fee(s).

(b) The housing impact fee shall produce the same number of inclusionary housing units that an equal amount of in-lieu fees would produce for a residential project.

(c) Refer to the in-lieu fee schedule and find the fee amount for a median sized dwelling unit. The median sized dwelling unit is determined annually by the

Department of Planning and Building. The in-lieu fee schedule is in the Implementation Guidelines Manual.

(d) The fee amount for each whole inclusionary housing unit is indicated by the in-lieu fee schedule. Refer to the whole unit cost associated with the median sized dwelling unit.

(e) When the fee collected from the project would produce a fraction of an inclusionary housing unit, the applicant shall pay a pro-rated housing impact fee or provide a whole unit.

The sequence of Inclusionary housing units by income level for both commercial and residential projects shall comply with Subsection c(3) above. Off-site unit(s) shall meet all of the applicable standards and criteria of this Section, including but not limited to the standards of Subsection h(5) - Off-site construction. Any additional residential units built shall be subject to Subsection c - Inclusionary requirements for residential development.

(ii) **Land donation**. The applicant may offer to donate land located on-site or off-site. Such land donation(s) shall meet all of the standards and criteria of this Section, including but not limited to the standards of Subsection h(6) - Land donation.

(iii) **Employee housing**. The applicant may offer to provide employee housing units located on-site or off-site. Such units may be rental units or ownership units, and shall be deed restricted pursuant to Section 23.04.094 - Housing Affordability Standards. The number of employee housing units and the sequence of units by income level shall comply with the standards of Subsection f(3)(i) above.

(iv) **Employee housing program**. The applicant may provide an affordable housing program(s) to its employees. Examples of such programs include, but are not limited to, a rental assistance program or a first-time homebuyer program. The number of employee housing units and the sequence of units by income level shall comply with the standards of Subsection f(3)(i) above.

(v) **Credit for alternative methods**. Credit towards satisfying the Inclusionary housing requirement of a commercial/industrial project by using any of the alternative methods listed above shall be based on the monetary value of the proposed alternative method(s), at a one-to-one dollar value. The applicant shall describe all proposed alternative methods in an Inclusionary housing proposal that is submitted with the initial project application. The Planning Director, at his or her sole discretion shall determine the monetary value of the proposed alternative method(s) and whether the proposal provides the required amount of fee(s) and/or inclusionary housing units in conformance with this Section. No credit will be awarded for any surplus value, and any deficit balance shall be met through payment of a housing impact fee. All affordable housing that results from the use of alternative methods shall be located in the same Housing Market Area as the

commercial/industrial project. Refer to the Implementation Guidelines Manual for the Housing Market Area map.

(4) **Mixed-use projects.** In any mixed-use project the commercial and industrial floor areas are exempt from this Section and the residential areas are subject to Subsection c - Inclusionary requirements for residential development. A mixed-use project shall have at least 25% of its total floor area designated for habitable residential use.

g. **Development incentives for residential and commercial/industrial projects.** When the Inclusionary housing units required by this Section are to be constructed on-site or off-site the following incentives shall be available:

(1) **Density bonus.** Within any approved residential development one density bonus unit shall be granted for each required Inclusionary housing unit that is constructed on-site or off-site. Such density bonus units are exempt from affordable housing standards. Any residential development that complies with California Government Code Section 65915 ("State density bonus law") is exempt from this Section. If a residential development qualifies for a density bonus under both the California Government Code and this Section, then the applicant may use either the state or local density bonus benefits, but not both. The granting of density bonus benefits shall not, in and of itself, require a general plan amendment, zoning change or other separate discretionary approval. The base density and density bonus increase shall be granted in any approved residential development unless the decision making body finds that the proposed development would have a specific adverse impact on the physical environment or on public health and safety that cannot be satisfactorily mitigated or avoided without rendering the development unaffordable.

(2) **Less than base density.** If the County approves the proposed residential development at an overall density lower than the base density, then the Inclusionary requirement of this Section shall be applied only to the actual number of market-rate units approved, not to a larger base density number.

(3) **On-site housing for residential projects.** When all of a project's Inclusionary requirements are met by providing Inclusionary housing units on-site then the Inclusionary requirement of Subsection c shall be reduced by 25%. The standards of Subsection c regarding the sequence of the Inclusionary housing units by income group shall be adjusted evenly to reflect the 25% reduction.

(4) **On-site housing for commercial/industrial projects.** When all of a project's Inclusionary requirements are met by providing Inclusionary housing units on-site then the Inclusionary requirement of Subsection f(3)(i) shall be reduced by 25%. The sequence of the Inclusionary housing units by income group shall be adjusted evenly to reflect the 25% reduction.

(5) **Modification of development standards for residential projects.** If the number of dwellings constructed on-site, in compliance with this Section, will exceed the base density amount then at the applicant's request the County shall grant at least one of the following additional incentives: a

modification of the residential development standards for parking, height, private yard space or setback. Requests shall be submitted along with the first application for a proposed project. The requested modification shall be granted unless the County finds that the proposed development would have a specific adverse impact on the physical environment or on public health and safety that cannot be satisfactorily mitigated or avoided without rendering the development unaffordable.

(6) **Modification of development standards for commercial/industrial projects.** To assist with the placement of Inclusionary housing units within a commercial/industrial project, at the applicant's request the County shall grant at least one of the following additional incentives: modification of the development standards for parking, height, or setback. This incentive(s) shall be applied only to on-site Inclusionary housing units but not to any commercial portion of the project. Requests shall be submitted along with the initial application for a proposed project. The requested modification shall be granted unless the County finds that the proposed development would have a specific adverse impact on the physical environment or on public health and safety that cannot be satisfactorily mitigated or avoided without rendering the development unaffordable.

(7) **Development of affordable housing within incorporated city limits.** Whenever an applicant uses an alternative method to satisfy the requirements of this Section, such as providing off-site Inclusionary housing units or a donation of land for affordable housing, and this results in the development of new affordable housing units within the urban limits of an incorporated city within this County, then the Inclusionary housing requirement of the applicant's project shall be reduced by 25% If a portion, but not all, of a project's Inclusionary housing requirement is met in this manner, then a proportionate amount of the project's Inclusionary housing requirement will be reduced.

h. **Development standards for Inclusionary housing.** Inclusionary housing units and land donation(s) that are provided in compliance with this Section are subject to the following standards:

(1) **Affordability**. The selection of eligible households, calculation of sales prices and rental rates, and preparation of long term affordability agreements shall be in conformance with the provisions of Section 23.04.094 - Housing Affordability Standards. Inclusionary housing units shall be and shall remain affordable pursuant to Section 23.04.094.

(2) **Inclusionary housing design in residential and mixed use projects**.

(i) The Inclusionary housing units shall have compatible exterior designs and finishes to the development's market-rate units.

(ii) The Inclusionary housing units may be smaller in size and have different interior finishes, features, and appliances so long as the interior components are durable, of good quality and consistent with contemporary standards for new housing.

(iii) In 50 percent or more of the Inclusionary units the average number of bedrooms shall be equal to or greater than the average number of bedrooms in the development's market-rate units.

(iv) Up to 30 percent of the Inclusionary housing units may be secondary dwelling units, pursuant to Section 23.08.169 - Residential-Secondary Dwellings.

(3) **Inclusionary housing design in commercial/industrial projects**. Inclusionary housing units within commercial/industrial development shall be designed to include the following::

(i) An equal mix of one and two bedroom sized units, except where the County determines that other unit size(s) are suitable.

(ii) Exterior designs and finishes that are compatible with the development's commercial/ industrial units.

(iii) Convenient unit location(s) that provide safe pedestrian, vehicular and emergency response access.

(iv) Placement within the commercial/industrial project to avoid noise, lighting and traffic conflicts.

(4) **Existing housing units as Inclusionary housing units**. Existing housing units on the site of a new development may be designated as Inclusionary housing units if they meet the design standards of this Section. Existing housing units off-site shall not qualify as Inclusionary housing units.

(5) **Off-site construction**. The applicant may propose to construct the required Inclusionary housing unit(s) at an off-site location in the same Housing Market Area. Refer to the Implementation Guidelines Manual for the Housing Market Area map.

(i) **Prior to approval** of such off-site units the County shall find either that the off-site units will not create an adverse concentration of affordable housing units within any certain area or that the public benefit of providing affordable housing justifies the adverse concentration.

(ii) **The transferred unit(s) and receiver site** shall comply with this Title and all applicable County ordinances.

(iii) **The transferred Inclusionary housing unit(s)** shall not be included when calculating the required number of Inclusionary housing units for the receiver site, nor shall the receiver site qualify for any density increase in residential units on the basis of the transferred Inclusionary housing unit(s) that it receives.

(6) **Land donation**. The applicant may donate land that is located on-site or off-site of the proposed development. The County shall evaluate such donations based on the following criteria:

(i) Value of the land is of equal or greater value than the amount of the in-lieu fees or housing impact fees that otherwise would be required. An appraisal shall be submitted as prepared

by a qualified appraiser acceptable to the County. Costs associated with the appraisal, title insurance, property transfer, document recordation and related costs shall be borne by the applicant.

(ii) The land shall be donated to a nonprofit or for-profit developer acceptable to the County that is willing to develop affordable housing on the land.

(iii) The land must be acceptable to the Planning Director who will review to determine if the land is capable of being developed with residential units in conformance with the Coastal Zone Land Use Element and Coastal Zone Land Use Ordinance, and that such development of the land would not be significantly restricted by environmental constraints, hazardous materials, public service constraints, or public health and safety concerns.

(iv) Applicants/Developers may pool land to meet the Inclusionary housing requirements for multiple developments subject to County approval.

(v) The donated land shall be located in the same Housing Market Area as the development project. Refer to the Implementation Guidelines Manual for the Housing Market Area map.

i. Eligible residents. The prospective residents of Inclusionary housing units that are developed in conformance with this Section are subject to the following standards and requirements:

(1) **Income categories**. Only households that qualify as very low, low, moderate or workforce households pursuant to Section 23.04.094 - Housing Affordability Standards shall be eligible to rent, purchase or occupy an Inclusionary housing unit.

(2) **Income verification**. The County or other organization designated by the County shall verify the household income of prospective renters or buyers prior to occupancy of any Inclusionary housing units. In addition to satisfying the income eligibility requirements of this Title, prospective residents shall also:

(i) Prove that total household assets do not exceed one-half of the purchase price of the desired ownership unit.

(ii) Prove that they do not currently own a home.

(3) **Primary Residence**. Any household that purchases an Inclusionary housing unit or occupies a rental Inclusionary housing unit shall occupy that unit as its primary residence, and shall not rent out any portion of the unit.

(4) **Eligibility list**. The County may, at its discretion, maintain an active list of households that are eligible to rent or buy Inclusionary housing units.

j. Compliance procedures.

(1) Residential development application. For any project with an Inclusionary housing requirement the applicant shall submit the standard permit application along with a statement describing the Inclusionary housing proposal. The applicant's statement shall include the following information:

(i) A brief description of the proposed project, including its Inclusionary housing requirements, the number, type and location of Inclusionary housing units (on-site, off-site, or existing designated units), proposed tenure (for sale or rental), targeted income category for each unit, size comparison of market-rate and Inclusionary housing units, any alternative method(s) chosen to meet the Inclusionary housing requirements, calculation of in-lieu fee, an offer of land donation in conformance with the criteria described in Subsection h(6) above, or any combination thereof.

(ii) A description of any development incentives, as described in Subsection g above, that are requested of the County.

(2) Commercial development application. Applicants of (non-mixed-use) commercial and industrial development projects may pay the housing impact fee described in Subsection f(1)above, or propose an alternative method(s) pursuant to Subsection f(3) and submit an Inclusionary housing proposal.

(3) Payment of fees. Whenever a fee payment will be deferred to a time after the issuance of a construction permit or after recordation of a final map an Inclusionary Housing Agreement and/or trust deed shall be executed, pursuant to Subsection j(4).

(4) Inclusionary Housing Agreement and/or trust deed. The provision of Inclusionary housing units on-site or off-site, or the deferment of fees as described in Subsection j(3) - Payment of fees, or the use of any alternative method(s) described in Subsection e - Alternative methods for residential projects, or in Subsection f(3) - Alternative methods for commercial/industrial projects, are subject to this Subsection. Project compliance shall be secured with an Inclusionary Housing Agreement, except that deferred fees on vacant, subdivided parcels shall be secured by trust deed(s). The Inclusionary Housing Agreement or trust deed(s) shall be prepared by County Counsel.

(i) The Inclusionary Housing Agreement shall be executed and recorded to the County's satisfaction prior to any construction permit issuance or subdivision map recordation, whichever comes first. If no construction permit or subdivision map is required, then the Inclusionary Housing Agreement shall be executed and recorded prior to the approval of any land use permit. Any deferred fee amount shall be based on the fee schedule described above in Subsections c(2) and f(2) - Establishing the Inclusionary requirement and fee schedule.

(ii) The relevant terms and conditions of the Inclusionary Housing Agreement shall be recorded as deed restrictions on owner-occupied Inclusionary housing units and projects

containing rental Inclusionary housing units. All deferred fee amount(s) shall be recorded as a lien against the project site. In cases where the requirements of this Section are satisfied through a donation of land or development of off-site Inclusionary housing units the Inclusionary Housing Agreement must simultaneously be recorded against the property to be donated or where the off-site units are to be developed.

(iii) If a subdivision will create vacant parcels for sale and the payment of in-lieu or housing impact fee(s) will be deferred to a time after map recordation, then a trust deed shall be recorded on each parcel when the map is recorded. The deferred fee amount shall be determined at the time that construction permit(s) are issued on the parcel and fee payment shall occur prior to final permit approval for occupancy or unit sale. The trust deed(s) shall indicate that future fee schedule(s) will be used to calculate deferred fee amounts. Where feasible the fee requirements shall be spread evenly among the parcels. Pursuant to Title 29, future fee schedules will be approved annually by resolution of the Board of Supervisors.

(5) **Timing of construction and land donations**. Completion of Inclusionary housing units and securing of donated land shall occur as follows:

(i) On-Site Inclusionary housing units.

a. Small projects. For all projects with a total of five units or less, the on-site Inclusionary housing unit shall be available for occupancy prior to final permit approval for occupancy of any on-site market-rate housing units.

b. Large projects. For projects with a total of six or more residential units, whenever an individual Inclusionary housing unit is available for occupancy then a single group of up to five market-rate units may also be made available for occupancy. The project may have separate phases of unit occupancy wherein each phase includes one Inclusionary unit and up to five market-rate units.

c. Alternative timing. The County may agree to an alternative timing arrangement, and if so then an agreement with a nonprofit housing development organization or a bond shall be provided to the County's satisfaction. If a bond is used, the bond shall secure a dollar amount adequate to cover the total cost of the bonded on-site units.

(ii) Off-site Inclusionary housing units shall be available for occupancy prior to final permit approval for occupancy for any on-site housing unit. The County may agree to an alternative timing arrangement, and if so then an agreement with a nonprofit housing development organization or a bond shall be provided to the County's satisfaction. If a bond is used, the bond shall secure a dollar amount adequate to cover the total cost of the bonded off-site units.

(iii) Any donation of land shall be secured by a trust deed that is recorded to the County's satisfaction prior to any construction permit issuance or subdivision map recordation, whichever comes first. If no construction permit or subdivision map is required, then the deed shall be recorded prior to the approval of any land use permit. The County may agree to an alternative timing arrangement, and if so then a bond shall be posted to the County's satisfaction. The bond shall secure a dollar amount adequate to cover the total cost of the land to be donated.

k. **Special findings for inclusionary housing development.** Approval of any development pursuant to this Section is subject to the following findings:

(1) **Housing Market Area** All off-site inclusionary housing development proposed by the applicant shall be located within the same Housing Market Area unless the Review Authority determines that there are compelling public benefits for locating such development in an adjacent Housing Market Area. One such benefit may be improvement of the job-housing balance within the same geographical area.

(2) **Level of Severity III (LOS III) for water supply**. In communities with a certified Level of Severity III (LOS III) for the water supply, whenever the use of inclusionary density bonus units will cause a development to exceed the residential density otherwise allowed by County ordinances, then prior to project approval the decision-making body shall find substantial evidence to support a conclusion that the local water purveyor can supply adequate water for the project and for full community build-out within it's service area as provided for in the General Plan. If there is an inadequate water supply to support density bonus units then the developer shall use other options to satisfy the inclusionary housing requirement, such as payment of fees or donation of land.

l. **Adjustment or waivers.** The requirements of this Section may be adjusted or waived (in whole or in part) if the applicant demonstrates to the County that a reasonable relationship does not exist between the impact of a proposed development and the requirements of this Section, or that applying the requirements of this Section would take property in violation of the United States or California Constitutions. At the time of submittal of a project's first development application the applicant shall also make an initial request for an adjustment or waiver and shall submit evidence to adequately demonstrate the appropriateness of the request. The request shall include financial and other information that the County deems necessary to perform an independent evaluation of the applicant's rationale for the request. In making a determination the County may assume each of the following when applicable; (i) that the applicant is subject to the Inclusionary housing requirements of this Section; (ii) the extent to which the applicant may benefit from development incentives provided pursuant to Subsection g above; and (iii) that the applicant will be obligated to provide the most economical Inclusionary housing units feasible in terms of construction, design, location and tenure. The Director of Planning and Building will consider the request and issue a written decision. The Director's decision may be appealed in the manner and within the time set forth in Section 23.01.042 - Appeals. If the Planning Director determines requirements of this Section may be adjusted or waived (in whole or in part) then the Inclusionary housing requirement(s) of the proposed development shall be modified, adjusted or waived to reduce the obligations under this Section.

m. **Severability.** If any clause, sentence, section, part or provision of this Section that is imposed upon any person or entity is found to be unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, subsection, part, provision, or such person or entity, and shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, parts, provisions, or the effect of this Section on other persons or entities.

n. **Annual Report.** The Planning Director shall prepare an annual report for the Planning Commission and the Board of Supervisors, and present the report at an agendized meeting. The report shall describe the progress made during the prior reporting period with regards to providing affordable housing pursuant to this ordinance. The Planning Commission may make recommendations regarding the ordinance or its implementation.

o. **Definitions.**

(1) **Affordable** means housing which can be purchased or rented by a household with very low, low, moderate or workforce income, as described in Section 23.04.094 - Housing Affordability Standards.

(2) **Affordable Housing Fund** means the fund established by the County to receive all in-lieu fees and housing impact fees contributed pursuant to this Section. See Title 29 - Affordable Housing Fund.

(3) **Affordable housing unit** - see "Affordable."

(4) **Applicant or Developer** means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County approval(s) for all or part of a residential or commercial development.

(5) **Building valuation** means the total value of all construction work for which a construction permit is required, as determined by the Chief Building Official.

(6) **Commercial/industrial development** means a development project involving primarily non-residential uses, including, but not limited to, retail, office, commercial-service, industrial and manufacturing uses as described in Title 23 - Coastal Zone Land Use Ordinance for which a construction permit application or subdivision application was submitted to the County.

(7) **County** means the County of San Luis Obispo.

(8) **Household** means all the persons who occupy a housing unit.

(9) **Housing impact fee** means a fee paid to the County to off-set the demand for housing created by commercial development.

(10) **Implementation Guidelines Manual** means the guidelines manual that is produced and updated by the Department of Planning and Building. This manual includes current in-lieu and housing impact fee schedules, and the Housing Market Area Map.

(11) **Inclusionary Housing Agreement** means a recorded agreement executed by the County and applicant or developer as provided by Subsection j - Compliance procedures.

(12) **Inclusionary housing unit** means a dwelling unit which is developed under the provisions of this Section and which is and remains affordable to households of very low-income, lower-income, moderate income or workforce pursuant to this Section and Section 23.04.094 - Housing Affordability Standards.

(13) **In-lieu fee** means a fee paid to the County as an alternative to the production of Inclusionary housing units.

(14) **Low or lower income household** means a household whose annual income does not exceed 80 percent of the median income of the County of San Luis Obispo, pursuant to Coastal Zone Land Use Ordinance Section 23.04.094 - Housing Affordability Standards.

(15) **Market-rate unit** means a dwelling unit in a residential development or mixed use development that is not an Inclusionary housing unit.

(16) **Mixed-use development** means a development project that combines residential and non-residential uses on the same site, where the proposed residential unit(s) is in addition to any on-site residential caretaker unit(s) developed pursuant to Section 23.08.161. For the purposes of this Section, a mixed-use project shall have at least 25% of its total floor area designated for habitable residential use.

(17) **Moderate income household** means a household whose annual income does not exceed 120 percent of the median income of the County of San Luis Obispo, pursuant to Coastal Zone Land Use Ordinance Section 23.04.094 - Housing Affordability Standards.

(18) **Off-site unit** means an Inclusionary housing unit that will be built separately or at a different location than the main development.

(19) **On-site unit** means an Inclusionary housing unit that will be built as part of the main development.

(20) **Planning Director** means the director of the Department of Planning and Building or his authorized representative.

(21) **Residential development** means a development project which results in the subdivision of land or real property for residential use and/or the construction or conversion of dwelling(s), including but not limited to: detached residential single family dwellings, multi-family dwelling units, apartments, condominiums and mobilehomes, but excluding condominium conversion, mobilehome park conversion and mixed-use development.

(22) **Review Authority** means the County representative or decision making body that has administrative permit and/or discretionary permit review authority over the application for subdivision and/or development project(s).

(23) **Very-low income household** means a household whose annual income does not exceed 50 percent of the median income of the County of San Luis Obispo, pursuant to Coastal Zone Land Use Ordinance Section 23.04.094 - Housing Affordability Standards.

(24) **Workforce household or Workforce income household** means a household whose annual income does not exceed 160 percent of the median income of the County of San Luis Obispo, pursuant to Coastal Zone Land use Ordinance Section 23.04.094 - Housing Affordability Standards.

23.04.097 - Affordable Housing Density Bonus and Development Standard Modifications - Requirements:

a. **Density Bonuses.** The Review Authority (or the Coastal Commission on appeal) may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects only if: (1) the property is not designated for agriculture; (2) the property is within the Urban Services Line; (3) the project would be served by adequate public services and; (4) the project is found to be in conformity with the coastal resource protection provisions of the LCP (including but not limited to LCP policies and provisions protecting sensitive habitats, agriculture, public views, community character, public recreational access, and related coastal resources).

b. **Development Standard Modifications.** The Review Authority (or the Coastal Commission on appeal) may approve modifications of development standards for residential, commercial, industrial, and other projects identified in Section 23.04.096(g)5 and 23.04.096(g)6, or those modifications of development standards allowed pursuant to the density bonus provisions of Government Code Section 65915 or Section 23.04.090 (Affordable Housing Density Bonus), only if the project is found to be in conformity with the coastal resource protection policies of the LCP (including but not limited to LCP policies and provisions protecting sensitive habitats, agriculture, public views, community character, public recreational access, and related coastal resources).

Amended 2011, Ord 3170

23.04.100 - Setbacks:

The following sections determine the use and minimum size of setbacks for structures. The purpose of these standards is to 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. (See figures located in Chapter 11 - Definitions - Lot, Corner and Setback). These standards are organized as follows:

23.04.104	Exceptions to Setback Standards
23.04.106	Use of Setbacks
23.04.108	Front Setbacks
23.04.110	Side Setbacks
23.04.112	Rear Setbacks

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23.04.114	Interior Setbacks and Open Areas
23.04.116	Projections into Required Setbacks
23.04.118	Blufftop Setbacks

[Amended 1995, Ord. 2715]

23.04.104 - Exceptions to Setback Standards:

The minimum setback requirements of this chapter apply in all cases except the following, which do not include exceptions to the blufftop setbacks required by Section 23.04.118 of this title (see also Section 23.04.116 - Projections Into Required Setbacks):

a. Fences, hedges or walls as allowed by Section 23.04.190c (Standards for fencing and screening materials).

b. 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 line, unless it complies with applicable fire resistive construction requirements of the Uniform Building Code.

c. Areas where special setbacks have been established through adoption of building line maps (Section 23.01.022c), tentative or vesting tentative map approval, Development Plan approval for a cluster development, planning area standard, specific plan, or by Chapter 23.08 of this title for a specific use, in which cases the special setbacks apply in place of the setbacks of this chapter.

d. 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.

[Amended 1995, Ord. 2715]

23.04.106 - Use of Setbacks.

Required setback areas shall be landscaped when required by Section 23.04.180 et seq. (Landscape), and shall be unobstructed by any building or structure with a height greater than three feet, except where otherwise provided by Sections 23.04.110c, 112a, 116, 190c or 310. The use of setbacks for parking is subject to Section 23.04.163 (Location of Parking on a Site).

[Amended 1992, Ord. 2570; 1993, Ord. 2649]

23.04.108 - Front Setbacks:

All structures with a height greater than three feet shall be setback 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 Section 23.04.310 (Sign Design Standards) or Section 23.04.190 (Fencing and Screening). The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Sections 23.04.180 et seq. and 23.04.190, respectively. [Amended 1992, Ord. 2570; Amended 1993, Ord. 2649]

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

(1) **Shallow lots:** The front setback is to be a minimum of 20 feet for any legally-created lot with an average depth less than 90 feet.

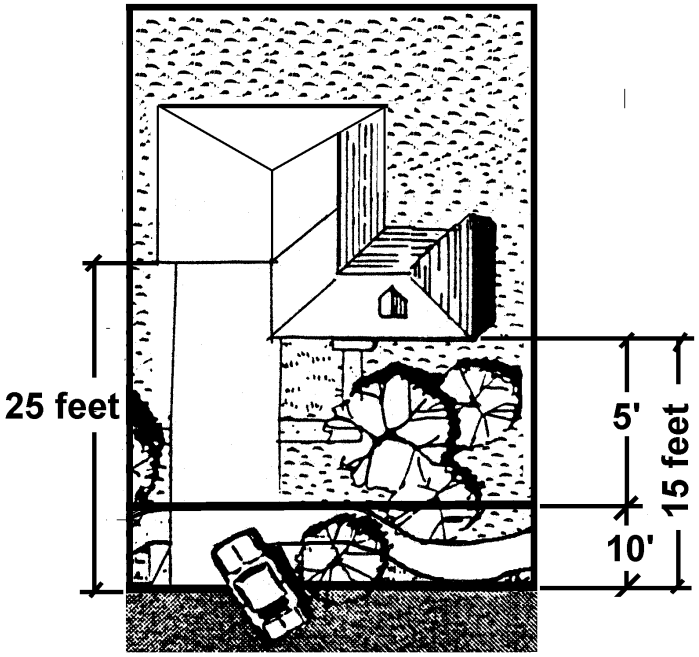
(2) **Sloping lot adjustment:** In any case where the elevation of the natural grade on a lot at a point 50 feet from the centerline of the adjacent street right-of-way is seven feet above or below the elevation of the centerline, required parking (including a private garage) may be located, at the discretion of the applicant, as close as five feet to the street property line, pursuant to Section 23.01.044 (Adjustment), provided that portions of the dwelling other than the garage are to be established at the setback otherwise required.

(3) **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 23.01.044) at the option of the applicant, as follows:

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

(ii) **Allowed adjustment:** The normally required minimum front setback is to 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.

(4) **Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Section 23.04.036), front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code.



Parkway Setback

(5) Where a lot is located in an area which incorporates detached sidewalks with fixed parkways between the curb and sidewalk, or meandering sidewalks which vary the separation between the curb and sidewalk, where the parkway between the curb and sidewalk is landscaped and includes one or more street tree per 50 feet of frontage and turf or low maintenance plants, front setbacks may be 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.

b. **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 a of this section.

c. **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 Section 23.04.110d.

d. **Recreation category:** A minimum 10-foot front setback is required, provided that residential uses are subject to the set-back requirements of subsection a of this section.

e. Double frontage lots:

(1) 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% of the lots on a double frontage block are developed with the same front yard orientation. In that case all remaining lots are to orient their front setbacks with the majority.

(2) Double frontage setback requirements: A full front setback is to 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.

f. 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 is to 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.

[Amended 2004, Ord. 3001]

23.04.110 - 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. The minimum side setback is to be as follows, except where otherwise provided by Sections 23.07.172 and 23.07.174 for sites adjacent to streams or wetlands, or by Section 23.04.118 for sites adjacent to the coastline:

a. General side setback requirements: These requirements apply except where otherwise provided by subsections b through f of this section. See Section 23.04.116 (Projections into Required Setbacks) for additional applicable standards. The required general side setback is measured at the front setback line as follows:

(1) 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 23.05.104f. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 23.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.

(2) 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 23.05.104f.

b. **Corner lots:** The side setback on the street side of a corner lot within urban and village areas on on sites of less than one acre in net area is to be a minimum of 10 feet, <u>except</u> that:

(1) In a central business district no side setback is required;

(2) A site having a width of 50 feet or less is to be provided a minimum of a five foot setback.

(3) A corner lot adjacent to a key lot is to be provided a side setback equal to one-half the depth of the required front setback of the key lot except that:

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

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

(4) In rural areas and on sites one acre or larger in net area, Section 23.04.110a(2) shall apply.

c. **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:

(1) Located no closer than three feet to any property line; or

(2) Established on the property line as a common wall structure pursuant to Subsection f, 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 23.08.032 (Residential Accessory Uses).

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

(1) As required for corner lots by subsection b of this section; or

(2) Where required by the Uniform Building Code; or

(3) **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 is to be a minimum of 10 feet, and is to be landscaped as set forth in Sections 23.04.180 et seq. The minimum setback is to be increased one foot for each three feet of commercial or industrial building height above 12 feet.

e. **Office and Professional category:** Side setbacks are to be provided as set forth in Subsection d of this section, except within a central business district no side setback is required

f. Side setbacks for special development types:

(1) 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 Section 23.04.114 (Interior Setbacks and Open Areas).

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

(i) The setback has been eliminated through Subdivision Map or Development Plan approval; and

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

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

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

(3) 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:

(i) The setback has been eliminated for an entire block through Subdivision Map or Development Plan approval; and

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

(iii) The side setback is not to be eliminated or reduced on the street side of a corner lot.

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

[Amended 1993, Ord. 2649; 1995, Ord. 2715; 2004, Ord. 3001]

23.04.112 - 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; and except where otherwise provided by Sections 23.07.172 and 23.07.174 for sites adjacent to streams or wetlands, or by Section 23.04.118 for sites adjacent to the coastline:

a. 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 Section 23.04.116 (Projections into Required Setbacks) and 23.08.032 (Residential Accessory Structures) for additional applicable standards.

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

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

(2) **Adjacent to residential use:** Where the rear property line abuts a residential category or use, the rear setback is to be a minimum of 15 feet, except:

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

(ii) **Increased building height.** The minimum setback is to 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.

c. **Office and Professional and Recreation categories:** The rear setback is to be a minimum of 10 feet, except:

(1) **Central business district.** In a central business district, no rear setback is required except as provided in subsection c(2) of this section.

(2) **Adjacent to alley.** Where the rear property line abuts an alley, the rear setback is to be five feet.

(3) **Adjacent to residential use.** When the rear property line of an Office and Professional or Recreation site abuts a Residential category, the rear setback is to be as specified in Subsection b(2) of this section.

d. **Adjustment.** 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 23.05.104f. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 23.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.

[Amended 1995, Ord. 2715]

23.04.114 - Interior Setbacks and Open Areas:

Detached buildings located on the same site are to be separated as follows:

a. **Accessory buildings:** An accessory building is to be located no closer than six feet from any principal building.

b. **Residential buildings:** A principal residential building (including a multi-family dwelling) is not to 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.

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

23.04.116 - Projections Into Required Setbacks:

The setback requirements of this title are modified as follows, except for sites subject to the blufftop setback requirements of Section 23.04.118, where none of the following exceptions shall be allowed:

a. **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 Section 23.04.104):

(1) **Front setback:** A deck is not to be located therein.

(2) **Side setback:** As determined by Sections 1206 and 1710 of the Uniform Building Code.

(3) **Rear setback:** A deck may occupy up to 30% of a required rear setback, but is to extend no closer than three feet to the rear property line.

b. **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.

c. **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 is to be located either higher than eight feet or lower than four feet above finish grade.

d. **Porches:** Porches are defined as covered 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 for the purpose of providing 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% open to the elements on three sides (no screening or glass).

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Porches may project into required setbacks as provided by this subsection. If the platform portion of a porch is higher than 30 inches, it is considered a deck, and shall not project into a required setback.

(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, pursuant to Subsection a(3) of this section.

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.04.118 - Blufftop Setbacks:

New development or expansion of existing uses proposed to be located adjacent to a beach or coastal bluff shall be located in accordance with the setbacks provided by this section instead of those provided by Sections 23.04.110 or 23.04.112.

a. **Bluff retreat setback method:** New development or expansion of existing uses on blufftops shall be designed and set back from the bluff edge a distance sufficient to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures that would in the opinion of the Planning Director require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period according to County established standards. The report shall accompany the land use permit application, and shall contain the following information:

(1) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport.

(2) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development.

(3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults.

(4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.

(5) Wave and tidal action, including effects of marine erosion on seacliffs.

(6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage).

(7) Potential effects of seismic forces resulting from a maximum credible earthquake.

(8) Effects of the proposed development including sighting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and adjacent area.

(9) Potential erodibility of the site and mitigation measures proposed to minimize erosion problems during and after construction. Such measures may include but are not limited to landscaping and drainage design.

(10) The area of demonstration of stability shall include the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the inter-section of a plane inclined a 20-1/4 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater.

(11) Any other factors that may affect slope stability.

(12) Additional information consistent with guidelines developed by the State Department of Conservation and other relevant agencies.

c. **Exceptions to bluff setback requirements:** The minimum setback requirements of this section do not apply to the following:

(1) Wood fences or hedges three feet or less in height above natural grade, and wire fences no higher than six feet located in the Agriculture or Rural Lands categories.

(2) Landscaping, minor earthworks, steps or similar design elements (not including decks or other solid structures) placed directly on natural grade.

(3) Roof and wall projections including cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves and rain gutters may project into the required setback a maximum of 30 inches.

[Amended 2004, Ord. 2999]

23.04.120 - 122

23.04.120 - Heights:

The purpose of the following sections is to limit 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. These standards are organized as follows:

23.04.122	Measurement of Height
23.04.124	Height Limitations

23.04.122 - Measurement of Height:

The height of a building or structure is to be measured as the vertical distance from the high- est point of the structure to the average of the highest and lowest points where 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:

a. A site is graded or filled pursuant to approved subdivision improvement plans, or a grading permit that was approved to authorize:

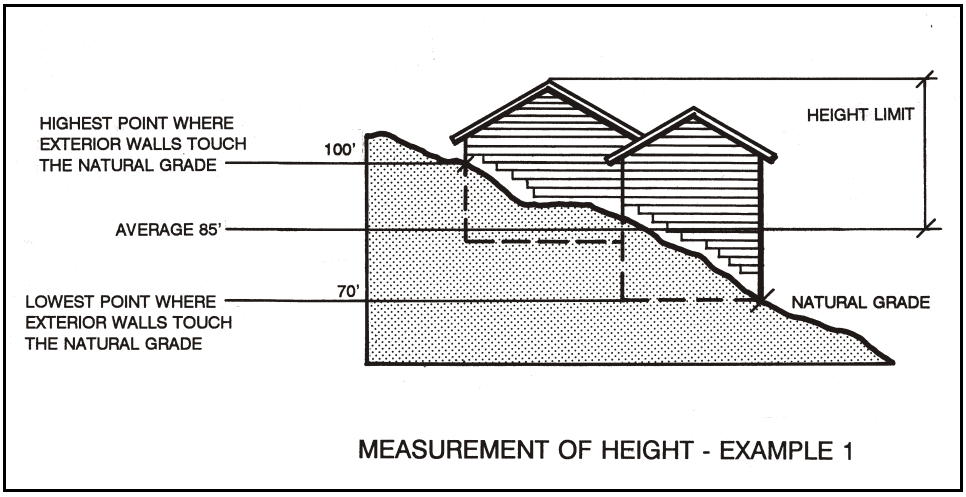
(1) Grading or fill to conform the elevation of the building site with that of adjoining developed sites; or

(2) Fill to mitigate flood hazards pursuant to the provisions of Sections 23.07.060 et seq. of this title; or

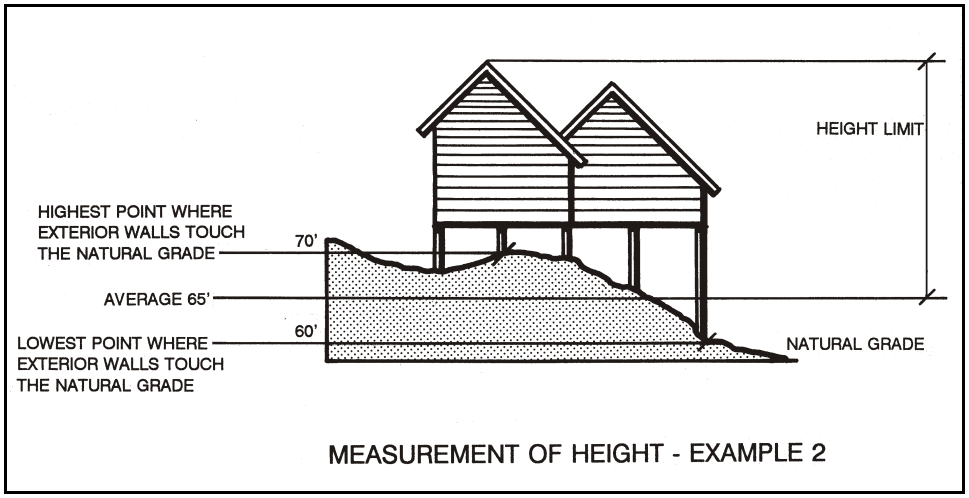
(3) Fill determined by the Environmental Coordinator and Planning Director to be necessary to mitigate the impacts of allowable development on archeological resources, which shall not exceed a depth of 24 inches unless specifically authorized by the Planning Director.

b. The site was graded or filled pursuant to a grading permit approved before September 18, 1986.

c. An adjustment (23.01.044) is approved by the Planning Director on the basis that the site was filled prior to 1959.



Measurement of Height - Example 1



Measurement of Height - Example 2

23.04.124

23.04.124 - Height Limitations: The maximum height for new structures is as follows, except where other height limitations are established by planning area standards of the Land Use Element (for allowed fence heights, see Section 23.04.190c(2):

a. Permitted heights by land use category.

LAND USE CATEGORIES	MAXIMUM HEIGHT
Agriculture, Rural Lands	35 feet
Commercial:	
In CBD	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

b. Exceptions to height limitations:

(1) Planning Commission modifications: Buildings and structures exceeding the heights permitted in subsection a. of this section may be authorized through Development Plan approval, provided the Planning Commission first finds the project will not result in substantial detrimental effects of 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.

(2) Residential exceptions:

(i) Additional height: Except where building height limits are established by planning area standards of the Land Use Element, the height limitations specified by subsection a. for residential buildings may be adjusted (Section 23.01.044) to allow additional height to a maximum of 45 feet, provided that the required side, rear and interior setbacks are to be increased one foot in width for each foot of height over 35 feet.

(ii) **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% 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 allowable height limit.

(3) **Uninhabited structures:** The height limits specified in subsection a. of this section or by planning area standards of the Land Use Element do not apply to the following structures (measurement of height is from the ground, as set forth in Section 23.04.122):

(i) Radio and television receiving antennas of 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.

(ii) Skylight structures on flat roofs not exceeding 18 inches above the highest point of the roof.

(iii) Flagpoles 50 feet or less in height.

(iv) 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, and Industrial land use categories.

(v) 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 Section 23.04.124a.

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

(vii) All portable construction equipment.

(viii) Public utility poles and structures for providing electrical and communications services.

[Amended 1995, Ord. 2715]

23.04.160 - Parking and Loading:

Parking and loading standards 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. Parking and loading standards are in the following sections:

23.04.162	Off-Street Parking Required
23.04.163	Location of Parking on a Site
23.04.164	Parking Design Standards
23.04.166	Require Number of Parking Spaces

23.04.168 Parking Lot Construction Standards
23.04.170 Off-Site Parking
23.04.172 Off-Street Loading Requirements
23.04.178 Drive-In and Drive-Through Facilities

23.04.162 - Off-Street Parking Required:

All uses requiring a land use permit are to be provided off-street parking as set forth in Section 23.04.163 et seq., <u>except</u> parking lots which qualify for the following modifications:

a. **Compact car spaces:** Lots with 20 more spaces may substitute compact car spaces for up to 20% of the total number of required spaces. Compact car spaces are to 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 are to 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 23.01.044) at a rate of five percent for each separate nonresidential use, up to a maximum of 20%; 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. above. 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 23.04.166 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 23.01.044) 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:

(1) After the requirements for off-street parking have been met for the existing structure, as well as for any expansions; or

(2) As allowed by Section 23.09.036 (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 Director of Planning and Building first determines, based upon specific findings of fact, that:

(i) 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

(ii) 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

(iii) No traffic safety problems will result from the proposed modification of parking standards.

[Amended 1995, Ord. 2715]

23.04.163 - 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 23.04.164 and 23.04.168, and the following:

a. **Use of front setback:** Required parking spaces are not to be located within the required front setback (Section 23.04.108) except in a Residential Multi-Family category qualifying for medium- or high-intensity development (Section 23.04.084).

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.

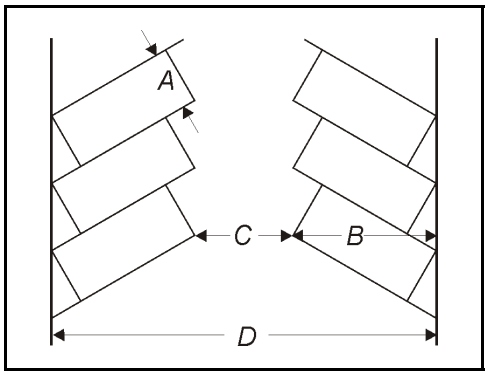
23.04.164

23.04.164 - Parking Design Standards:

All off-street parking areas are to be designed and improved as set forth in this section.

a. **Parking space and aisle dimensions:** All off-street automobile parking spaces are to be a minimum of nine by 18 feet in size, except for compact car spaces (Section 23.04.162a), handicapped spaces (Section 23.04.166b(1)) and motorcycle spaces (Section 23.04.162b). Parking lot aisles are to be of the following dimensions:

(1) **Angle parking:** The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables reducing the aisle width, as shown.



Parking Space Dimensions

KEY TO DISTANCES IN CHART				
Angle	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 are to 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 23.04.162a.

(2) **Parallel parking:** Space dimensions are to be nine by 22 feet. Aisle dimensions for parallel parking are to 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) **Driveway standards**: The location, width and slope of driveways providing access to a parking area from the public street or between separate parking areas on a site shall be as required by Section 23.05.104 (Site Access and Driveway Requirements).

(3) **Guest parking location:** Guest parking spaces required for residential projects by Section 23.04.166c(5) are to 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 are to 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 are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points are to 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 is to be individually accessible, except that automobiles may be parked in tandem in the following situations:

(i) 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.

(ii) 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.

(iii) For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than 50% of the employee spaces are designed for tandem use.

23.04.166 - 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 charts:** The charts in subsection c of this section 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 Chapter 23.08 (Special 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 Development Plan approval, in which case the amount of parking and loading space required is to be as determined by the Planning 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 of this section (provided the planning director determines that the proposed building as designed can reasonably accommodate such use), except:

(i) 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

(ii) Where the Planning Commission specifies the uses that may be established within the building and the number of parking spaces required through Development Plan conditions of approval.

(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 of this section. 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 23.04.064 (Access Location Standards) as a basis for determining site location, and in Section 23.04.168 (Parking Lot Construction Standards). Loading bay intensity is used in Section 23.04.172 (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 is to be the total of that required for each individual use, except as otherwise provided by Section 23.04.162 (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 is to 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 is to be determined separately for those areas, as specified for warehousing in subsection c(11) of

this section. (See subsection a(6) of this section for additional information on parking requirements for storage areas.)

(6) Terms used in charts:

(i) Active use area: All developed areas of a site and buildings except storage, parking and landscaping.

(ii) Floor area: Means gross floor area, all areas within buildings.

(iii) Site area: Gross site area.

(v) Use area: All developed areas of a site and buildings, except parking and landscaping.

(7) Number of spaces: Where Section 23.04.166c sets parking requirements based on building area (square footage), site or use of area, the number of spaces is to 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 of this section, new uses within an urban or village reserve line are to 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.

(i) 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

(ii) 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 are to 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 are to provide one bicycle rack space for each 10 parking spaces. Bicycle racks are to 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	Low	High
	and 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 are to provide parking as required for offices (see subsection (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/ Fairgrounds	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
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

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Schools: Preschools & Day Care Elementary & High School Business & Vocational	See Section 23.08.074 (Schools and Preschools)		
College and University	As determined by Planning Commission.		

(4) **Manufacturing and processing uses:** Parking lot turnover is low; loading bay intensity is medium. Parking spaces are required as follows:

(i) One space per 500 square feet of active use area within a building; and

(ii) One space per 1,000 square feet of storage area within a building; and

(iii) One space per 2,000 square feet of outdoor active use area; and

(iv) 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 mobilehomes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (Including for the purpose of parking calculation, condominiums & 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 is to 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
	* includes all active food preparation areas, but not walk-in storage areas.		
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 checkstand, 1 per 600 sf. of storage area.	High	Medium
Furniture, Home Furnishings & Equipment	1 per 500 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

(8) **Service Uses:** Parking required for a service use is to 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 Services	1 per 500 sf. of floor area.	Low	Low
Correctional Institutions	As determined by Planning Commission		
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 examination room.	High	Low
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 checkstand.	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.
Post Offices	5 per service window, 1 per 500 sf. of floor area other than customer area.	High	High

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
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 checkstand.	Medium	Low
Funeral & Crematory Services	1 per 4 seats in each assembly room, 2 per office, or 1 per 40 sf. of floor area in assembly rooms, whichever is greater.	Medium	Medium
Health Spas	1 per 300 sf. of floor area.	Medium	N.A.
Laundromats	1 per 2 washers	High	N.A.
Other Personal Services	1 per 500 sf. of floor area.	Medium	N.A.
Public Safety Facilities	As determined by Review Authority		
Repair Services (Consumer)	1 per 400 sf. of floor area.	Low	Low
Waste Disposal Sites	As determined by Review Authority		

(9) Transient Lodgings:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Emergency Shelters	1 per 6 adult beds, plus 1 per on-site staff person and volunteer plus 1 per 10 adult beds for service vehicles	Low	Low
Hotels & Motels	2 spaces, plus 1 space per unit, plus 1 space per ten units	Medium	Low

(10) Transportation Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Airports (Public) Harbors Marine Terminals	As determined by Planning Commission		
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 1995, Ord. 2715; 2004, Ord. 3001; 2010, Ord. 3200]

23.04.168 - Parking Lot Construction Standards:

All parking areas that require three or more off-street parking spaces are to 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.

	Parking Lot Turnover		
Location	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 are to 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 in each parking space. Wheel stops are to be constructed as follows:

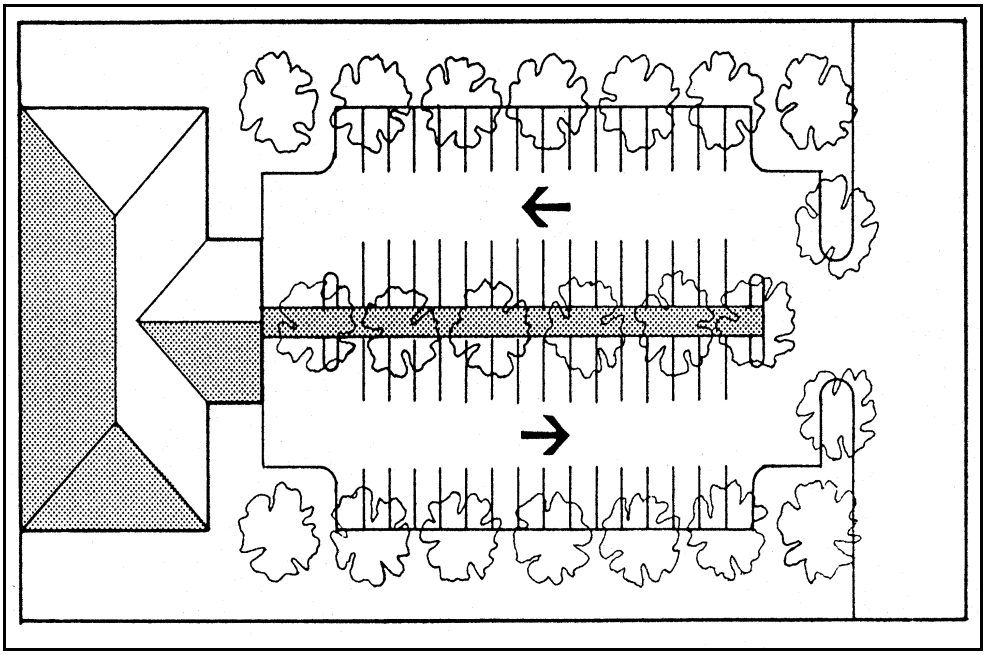
(1) **Materials and installation:** Wheel stops are to be constructed of concrete, continuous concrete curbing, asphalt, timber, or other durable material not less than six inches in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

(2) **Setback:** Wheel stops or other vehicle barriers less than two feet in height are to be located no closer than three feet to any property line.

d. **Vertical clearance:** Covered parking spaces are to 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 is not to exceed five percent slope.

f. **Parking lot landscape:** All parking lots of three or more spaces are to provide sufficient trees so that within 10 years, 60 percent of surface area of the lot is shaded by deciduous or evergreen trees in addition to any perimeter landscape 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 landscape plan pursuant to Sections 23.04.180 et seq. (Landscape, Screening and Fencing).



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 are to 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 1993, Ord. 2649; 1995, Ord. 2715]

23.04.170 - Off-Site Parking:

Where it is not feasible to provide sufficient on-site parking, an adjustment (Section 23.01.044) 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 is to 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 Development Plan approval, the off-site parking shall also be subject to Development Plan approval.

23.04.172 - Off-Street Loading Requirements:

Off-street loading bays are required as provided by this section, based upon the loading bay intensity determined by Section 23.04.166c (Parking Spaces Required).

a. Number of bays required:

	NUMBER OF BAYS REQUIRED		
	Loading Bay Intensity		
USE AREA IN SQUARE FEET	High	Medium	Low
Less than 10,000	1	0	0
10,000 - 30,000	2	1	0
30,000 - 60,000	3	2	1
60,000 - 100,000	4	3	2
100,000 - 150,000	5	4	3
Each Additional 50,000	1	.5	.25

b. **Adjustment to number of bays:** The number of loading bays required may be adjusted (Section 23.01.044) to 50% 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 are not to 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 is to 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 are to be designed to preclude the necessity for maneuvering on a street or sidewalk.

(2) Setbacks: Loading bays are to be set back a minimum of 25 feet from any residential use or category.

23.04.178 - Drive-In and Drive-Through Facilities:

This section establishes supplementary standards for retail trade or service uses which conduct business while customers remain in their vehicles. Such 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. Such 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 drive-in theaters (Section 23.08.068) or service stations (Section 23.08.202).

a. Site location criteria: A site that contains drive-in or drive-through facilities is to 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 are to be provided internal circulation and traffic control devices as follows:

(1) Lane separation: An on-site circulation pattern is to 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 d(2) following. Such lanes are to be a minimum width of 10 feet.

(2) Stacking area: An area is to be provided for cars waiting for drive-through service that is physically separated from other traffic circulation on the site. That stacking area is to 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 is to be by concrete or asphalt curbing on at least one side of the lane.

(3) Directional signing: Signs are to be provided that indicate the entrance, exit and one-way path of drive-through lanes.

23.04.180 - Landscape, Screening and Fencing:

The purpose of landscape, screening and fencing standards are to: provide areas which can absorb rainfall to assist in reducing storm water runoff; control 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 visual privacy, while recognizing the need to use water resources as efficiently as possible.

In addition, the goals of the standards of these sections are to:

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

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

3. 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.

Landscape, screening and fencing standards are organized in the following sections:

23.04.182	Applicability of landscape standards
23.04.184	Water efficient landscape - methods
23.04.186	Landscape Plans
23.04.190	Fencing and Screening

[Amended 1993, Ord. 2649]

23.04.182 - Applicability of Landscape Standards: The sites of all projects requiring land use permit approval

a. **Where required:** Except as provided in Section 23.04.182b, the landscape standards of Sections 23.04.180 et seq. shall apply to:

(1) Public projects that require a land use permit.

(2) 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 section, 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.

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

(ii) 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 accordance with Section 23.04.180 et seq. is not required for any homeowner provided landscape in the residential land use categories except where required for a special use by Chapter 23.08 (Special Uses), or by Development Plan 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 Chapter 23.08 (Special Uses), setbacks and areas not proposed for development are not required to meet the standards of Section 23.04.180 et seq. when such areas are cultivated or maintained in native vegetation, provided that any applicable requirements of Section 23.05.080 et seq. (Fire Safety) are satisfied.

(3) Large rural parcels: When located outside of an urban or village area, any parcel larger than 2 acres in size is not required to be landscaped. Landscape may be required by Chapter 23.08 (Special Uses), or by Development Plan 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 Section 23.05.082 (Fire Safety Plan) shall be satisfied.

(4) Cemeteries. Existing or proposed cemeteries are not subject to the landscape standards of Section 23.04.180 et seq.

(5) Small areas of landscape. Landscaping meeting the water efficient provisions of Sections 23.04.180 et seq. is not required for any project with a potential total irrigated landscape area of less than 2,500 square feet in size with a proposed turf area of less than 20 percent of the irrigated landscape area. Landscaping located in the areas specified in Section 23.04.186b is required and landscape plans meeting Section 23.04.186d(1), (3) and (4) shall be submitted for review and approval. Landscaping shall be installed or bonded for 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 Sections 23.04.180 et seq. are not retroactive in their effect on landscape lawfully established as of the date of adoption of amendments to these sections.

c. Modification: Where Development Plan or Minor Use Permit approval is required, the Review Authority may waive, modify or increase the landscape standards of Sections 23.04.180 et seq.

[Amended 1993, Ord. 2649; 2004, Ord. 3001]

23.04.184 - Water Efficient Landscape - Methods. When landscape is required to be provided pursuant to Section 23.04.182, 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%[2] of plant materials selected from plant list	Plant materials not selected from plant list/Does not qualify for plant list adjustment[3]
LANDSCAPE PLAN (Section 23.04.186d)	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 of Planning and Building 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 23.04.186 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 of Planning and Building upon written request by the applicant.

2. In any case where 80% of the landscape area (as defined in Chapter 23.11 - landscape area) uses plant materials from the plant list, and the remaining 20% of the landscape area shall not include additional turf, an adjustment to the plant list may be granted pursuant to Section 23.01.044 (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 of Planning and Building.

[Amended 1993, Ord. 2649]

23.04.186 - 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 23.04.182. Preliminary landscape plans may be submitted at the time of land use permit submittal. Final landscape plans meeting the standards of Sections 23.04.180 et seq. will be required prior to issuance of a grading or building permit or establishment of a use not involving construction.

REQUIRED LANDSCAPE PLAN CONTENT[1] (Section 23.04.186d)

CONTENT	APPLICABLE SECTION
Landscape Site Plan	23.04.186d(1)
Landscape Grading & Drainage Plan	23.04.186d(2)
Planting Plan	23.04.186d(3)
Irrigation Plan	23.04.186d(4)

Notes:

1. Specific requirements of the landscape plan may be waived by the Planning Director where determined to be unnecessary.

b. **Location of landscape:** Landscape is to be provided in the following locations:

(1) **Setbacks:** All setback areas required by Section 23.04.100 (Setbacks) or Chapter 23.08 (Special Uses), except where enclosed and screened from the view of the public streets and adjoining properties by solid fencing in accordance with Section 23.04.190 (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 Plot Plan, Site Plan Minor Use Permit or Development Plan 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 23.04.168f and g (Parking Lot Construction Standards).

(4) **Special use sites:** As required by Chapter 23.08 (Special 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 pursuant to Section 23.02.034c(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 ordinance. 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 are to include some combination of the following materials where appropriate to achieve the intended or required purpose of the landscape (e.g., screening, etc.):

(i) Trees, shrubs, groundcover, vines, flowers or lawns;

(ii) 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 are to be constructed of materials appropriate to achieve the intended or required purpose of the landscape. These areas are to include some combination of the following materials:

(i) Landscape construction materials including concrete, tile, brick, asphalt, and pavers.

(ii) Structural features including fountains, pools, artwork, walls and fences.

(3) **Excluded materials:** Landscape is not to include any plant materials which:

(i) 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.

(ii) Because of proposed location and type, will create a potential hazard of brush or forest fire.

(iii) 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:

(i) Protection and preservation of native species and natural features and areas is encouraged.

(ii) The planting of native species and drought tolerant species is encouraged.

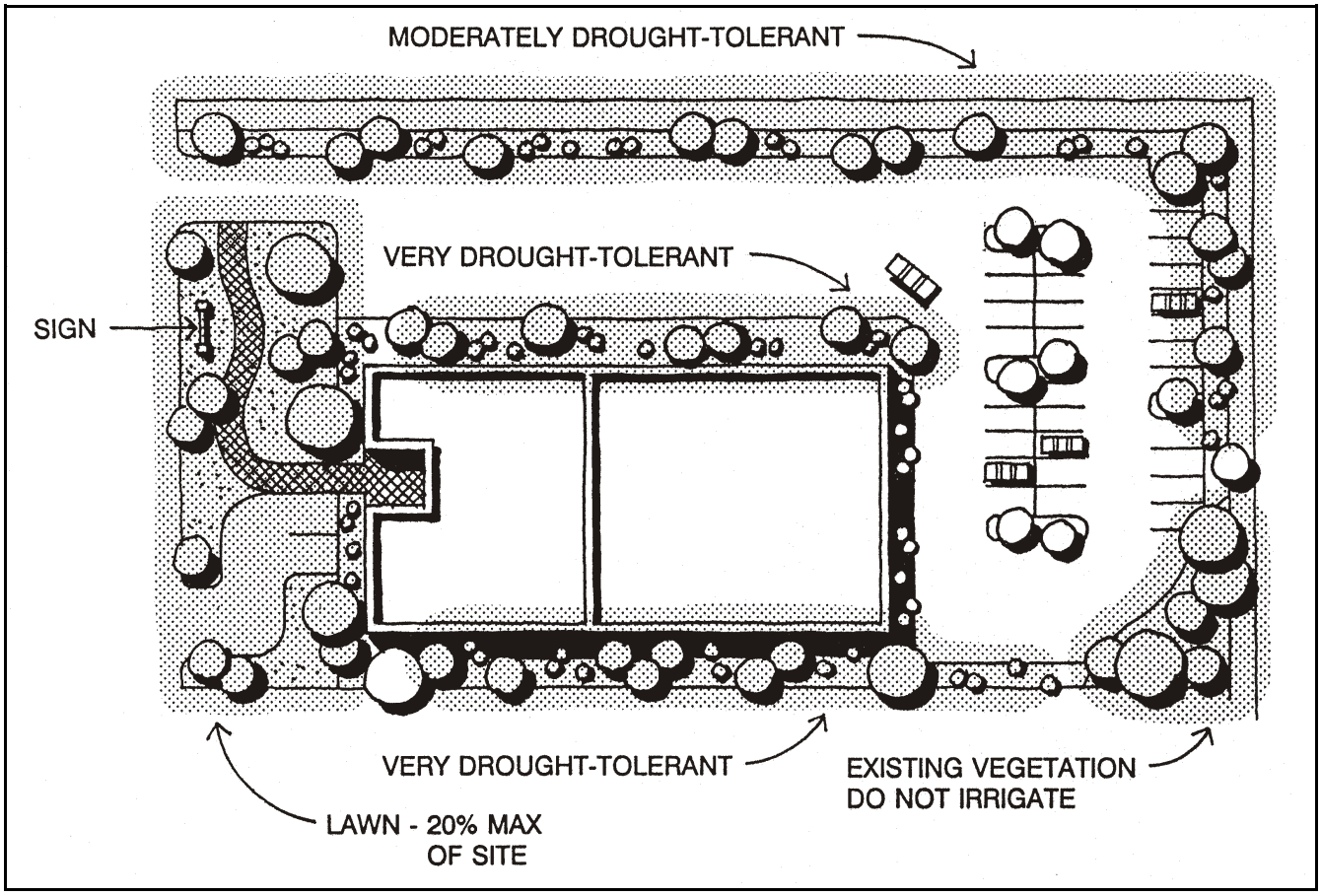
(iii) The planting of trees is encouraged.

(iv) Plants having similar water use shall be grouped together in distinct hydrozones. Hydrozones as used in this ordinance means a portion of the planted area having plants with similar water needs that are served with the same irrigation schedule.

(v) Fire prevention needs shall be addressed in high and very high fire hazard areas.

(vi) 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.

(vii) 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 (vi) above. 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.



Example of Hydrozones

(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 23.02.048 (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 landscape plan. Repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

d. **Landscape plan content:** Landscape plans are to 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 are to contain the following information except that specific requirements may be waived by the Planning 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:

(i) Existing and proposed buildings and structures including architectural elevations.

(ii) Details and location of proposed pools, ponds, water features, fencing, retaining walls, entries, trash collection areas and free-standing signs.

(iii) Details and location of proposed walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.

(iv) 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 are to 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:

(i) Existing contour lines of the property at two foot intervals for the areas proposed for landscape.

(ii) Proposed contour lines at two foot intervals for the areas proposed for landscape.

(iii) Average slope in percentage for paved areas including driveways, walkways, and ramps.

(iv) Average slope in percentage for areas proposed for planting.

(v) Proposed subsurface drainage improvements including inlet structures, piping and outlet structures and details for construction of those elements.

(vii) 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:

(i) 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 are to be identified. (See Section 23.05.060 for tree removal standards).

(ii) Any shrubs or plants identified by the standards of a Sensitive Resource Area combining designation (Part II of the Land Use Element) as endangered or to otherwise be protected (Part II of the Land Use Element).

(iii) Natural features including but not limited to rock outcroppings, ponds, and existing vegetation that will be retained.

(iv) Designation of specific hydrozones.

(v) The location and proposed area of turf in compliance with the limitations of Section 23.04.186c(4)(vi).

(vi) 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.

(vii) 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.

(viii) Designation of the area to be used for recreational purposes as defined in Section 23.04.184c(4)(vii).

(ix) A note that fertilizers and nutrients are to be applied at rates that establish and maintain vegetation without causing nutrient runoff to surface waters.

[Amended 2004, Ord. 3048]

(4) **Irrigation plan.** An irrigation plan, meeting the following standards and containing the following information, shall be submitted as part of the landscape plan.

(i) **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.

(ii) **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.

(iii) **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 23.04.182 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 23.04.184c(4)(vii).

(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.

(iv) **Recycled water irrigation systems:** In the event standards for the installation of greywater systems are adopted through state law, local ordinance or local guidelines approved by the Board of Supervisors, the installation of recycled water irrigation systems (dual distribution/greywater systems) shall be required to allow for the use of recycled water. Where physical constraints or functional difficulties would make the strict application of this section impractical, a written adjustment can be granted pursuant to the following subsection. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

(1) **Exemption.** A modification to this standard may be granted by the Director of Planning and Building 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 are to 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 department finds that:

(i) The proposed plant materials will survive in the climate and soils of the site; and

(ii) The proposed plant materials and their planned locations will satisfy the landscape standards of Sections 23.04.180 et seq. (e.g. screening, shade, maintenance of permeable soil, water efficiency).

(iii) 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. 2649]

23.04.190 - 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. of this section. Screening is the enclosure of an area by a visual barrier, which may include solid fencing, or other materials as specified in subsection e. of this section.

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 is to be provided as required by this section. Unless otherwise specified, fencing and screening is to 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, are to be screened to the height of the particular piece of equipment, as follows:

(i) **Roof-mounted equipment:** To be screened by architectural features from the view of abutting streets.

(ii) **Equipment at grade:** When located on the ground adjacent to a building, mechanical equipment is to 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 are to be screened on all interior property lines.

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

(4) **Public utility substations:**

(i) **Commercial Service and Public Facilities categories:** To be screened on all sides by a solid wall or fencing, and landscaping, subject to the necessary safety clearances required by order of the California Public Utilities Commission.

(ii) **Other land use categories:** To be screened on all sides in a manner that will provide an effective visual barrier as well as the necessary safety clearances required by order of the California Public Utilities Commission. The adequacy of screening will be determined through Development Plan approval.

(5) **Side and rear lot lines:** The side and rear property lines of all non-residential uses are to be screened as follows:

(i) **Adjacent to a residential use or category:** A solid wall or fencing is to 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.

(ii) **Industrial and Commercial Service categories:** A solid wall or fencing is to 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.

(6) **Swimming pools:** Yard areas with private swimming pools shall provide fencing as set forth in 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 23.01.044) 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.

(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 Planning 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:** All fencing and screening are subject to the following material and height limitations based on the location of the fence:

LOCATION	LAND USE CATEGORY	MAXIMUM HEIGHT	MATERIAL	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	Plot Plan[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]
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	Plot Plan[3]

Notes:

1. Solid wood or masonry materials, or plant materials that meet Section 23.04.190e(1), or other solid materials approved by the Department of Planning and Building.

2. Open wire or chain link or other materials approved by the Department of Planning and Building that permit the passage of a minimum of 90% 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 must 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

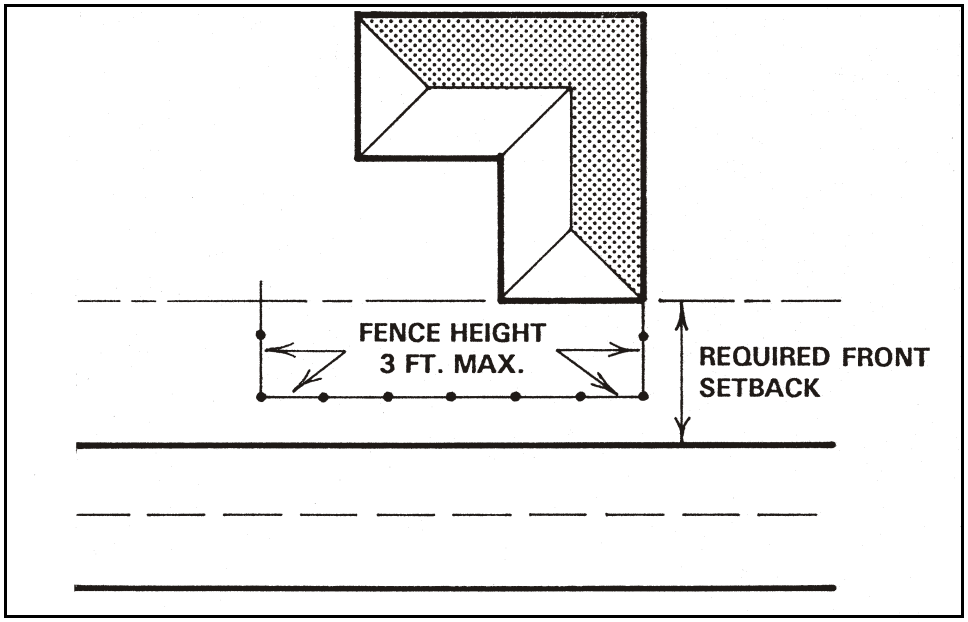
b. Will not block visibility of the front entrance to the dwelling from the street; and

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.



Fence Height - Example

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 2 feet above that height; provided that any such gateposts or superstructures above 6 feet 6 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.

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 23.01.044), 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:

(i) 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% of total view blockage within 18 months of installation, and 100% of total view blockage within 36 months of installation; and

(ii) 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 1995, Ord. 2715; 2004, Ord. 3001]

23.04.200 - Protection of Archaeological Resources Not Within the Archaeologically Sensitive Areas Combining Designation:

All development applications that propose development that is not located within the Archaeologically Sensitive Areas combining designation and that meets the following location criteria shall be subject to the standards for the Archaeologically Sensitive Areas Combining Designation in Chapter 23.07: development that is either within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or development that is within 300 feet of such stream where the slope of the site is less than 10 percent.

[Amended 2004, Ord. 3048]

23.04.210 - Visual Resources

The following standards apply within Critical Viewsheds, Scenic Corridors and Sensitive Resource Area (SRA) Combining Designations that are intended to protect visual resources, as identified in this title, the Official Maps, Part III of the Land Use Element, or the area plans of the Local Coastal Plan.

a. **Applicability of standards.** The following standards apply to new development required by the Coastal Zone Land Use Ordinance to have a land use permit, except that the following are exempt from some or all of the standards (a)-(d):

(1) Agricultural accessory structures that are 600 square feet or less in area, or other minor agriculturally-related development (e.g., fencing, wells).

(2) **Project not visible.** An exemption from the standards in the following subsections c(1), (2), (4), and (5) may be granted if documentation is provided demonstrating that the development will not be visible from the shoreline, public beaches, the Morro Bay estuary, any of the roads specified in the applicable area plan planning area standards for Critical Viewsheds, Scenic Corridors or SRA's that are intended to protect visual resources. Such documentation shall be prepared by a qualified professional acceptable to the Planning Director and at a minimum shall provide scaled topographic and building elevations with preliminary grading, drainage, and building plans. An exemption from the standard in subsection c(6) may be granted if the preceding documentation is provided, and if it is determined by the Planning Director that open space preservation within the Critical Viewshed or SRA is not otherwise needed to protect the scenic and visual resource, sensitive habitat or watershed, as identified in the area plans.

b. **Permit requirement.** Minor Use Permit approval, unless Development Plan approval is otherwise required by this title or planning area standards of the area plans. The land use permit or land division application shall include the following:

(1) A landscaping plan, grading and drainage plan, lighting plan fencing plan, and visual analysis, including the use of story-poles as required, that is prepared by a licensed architect, a licensed landscape architect or other qualified professional acceptable to the Director of Planning and Building. The plans and visual analysis shall be used to determine compliance with the following standards.

c. **Standards for Critical Viewsheds and SRAs for protection of visual resources.** The following standards apply within areas identified as Critical Viewsheds or SRAs in the area plans for protection of visual resources.

(1) **Location of development.** Locate development, including, but not limited to primary and secondary structures, accessory structures, fences, utilities, water tanks, and access roads, in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging. New development shall be designed (e.g., height, bulk, style, materials, color) to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created "pockets" first and native vegetation and berming second, to screen development from public view and minimize visual intrusion.

(2) **Structure visibility.** Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.

(3) **Ridgetop development.** Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways described in the applicable planning area standards in the area plans, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.

(4) **Landscaping for hillside and ridgetop development.**. Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant

vegetation without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

(5) **Land divisions and lot-line adjustments - cluster requirement.** New land divisions and lot-line adjustments where the only building site would be on a highly visible slope or ridgetop shall be prohibited. Land divisions and their building sites that are found consistent with this provision shall be clustered in accordance with Chapter 23.04 or otherwise concentrated in order to protect the visual resources.

(6) **Open space preservation.** Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP..

d. **Standards for scenic corridors.** The following standards apply within areas identified as Scenic Corridors in the area plans for protection of visual resources.

(1) **Setback.** Where possible, new development shall be set back a minimum of 100 feet from the edge of the right-of-way of the road along which the Scenic Corridor is established in the area plans, or a distance as otherwise specified in the area plan planning area standards. If there is no feasible development area outside of this setback, the project shall be located on the rear half of the property as long as the location is not more environmentally damaging. New development allowed in visible areas shall provide a landscaping screen consistent with the requirements of c(4) above. A landscaping plan in accordance with these requirements and the requirements of Chapter 23.04 shall be provided at the time of building permit application submittal.

(2) **Signs.** Signs that are required to have a land use permit, especially freestanding signs, shall be located so as to not interfere with unique and attractive features of the landscape, including but not limited to unusual landforms, sensitive habitats, and scenic vistas from the road along which the Scenic Corridor is established.

[Amended 2004, Ord. 3048]

e. **General Visual Standards for Coastal Development.** Notwithstanding subsections (a)-(d) above, all development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable.

[Amended 2004, Ord. 3048]

23.04.220 - Energy Conservation, Including Design for Solar Orientation. New development shall consider compact community design and incorporation of energy efficiency measures.

[Amended 2004, Ord. 3048]

23.04.280 - 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) are to 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 included in the cultural, education and recreation, manufacturing and processing, retail trade, services, transient lodgings, transportation, and wholesale trade use groups in Table O, Part I of the Land Use Element.

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 are to be located within 100 feet of the dwellings or buildings serviced, but are not to be located in a front setback (Section 23.04.108 - 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.

(i) The floor or bottom surface of a solid waste collection area is to be of concrete or other impervious material.

(ii) The collection area is to have unobstructed vertical clearance for a minimum height of 25 feet.

(iii) A covered storage area at least 3 feet by 6 1/2 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.

(iv) 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.

(v) A sign(s) 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 1995, Ord. 2715]

23.04.300 - Sign Ordinance:

The standards of Section 23.04.300 through 23.04.314 are to be known and may be cited as the "Sign Ordinance of the County of San Luis Obispo." The sign regulations of this chapter. These requirements apply to all signs constructed or altered after the effective date of this title, except as otherwise provided by Section 23.04.306. 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.). The sign regulations of this chapter are organized into the following sections:

23.04.302	Purpose
23.04.304	Sign Code Adopted
23.04.306	Sign Permit Requirements
23.04.308	Measurement of Sign Area
23.04.310	Signs Allowed - Type and Area
23.04.312	Sign Construction Standards
23.04.314	Sign Maintenance Required

23.04.302 - Purpose:

The purpose of these sections is to establish 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.

23.04.304 - 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, are 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 1992, Ord. 2570]

23.04.306 - Sign Permit Requirements.

No sign shall be constructed, displayed or altered without first obtaining a sign permit as required by this section, except where a sign is exempted from permit requirements by subsection b of this section.

a. Permit procedures:

(1) The application, processing, review and approval of a land use permit for a sign is to be as set forth in Section 23.02.030 (Plot Plan), except where otherwise provided by Section 23.04.310 (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 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 Planning 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 pursuant to 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 are not to be included in determinations on the allowable number, type or area of signs pursuant to Section 23.04.310 (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 is not to 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 Planning 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 are to 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:

(i) **Residential land use categories within urban or village areas:** Political signs are not to exceed four square feet total for each site.

(ii) **Other land use categories within urban or village areas.** Political signs are not to exceed 16 square feet total for each site.

(iii) **Rural areas.** Political signs are not to exceed 32 square feet total for each site.

(iv) **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 (i), (ii), and (iii) above.

(v) **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 ordinance.

(vi) **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.

(vii) **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 an area of 20 square feet per face and are not illuminated.

(15) **Real estate signs:**

(i) **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 lesson property in residential categories and 32 square feet or less in nonresidential categories.

(ii) **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 is not to exceed 32 square feet.

(iii) **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:

(i) 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.

(ii) 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 are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located, and are not to 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 is to be in accordance with Section 23.09.032c (Nonconforming Signs - Sign Copy).

(19) **Sign maintenance:** Any maintenance which does not involve structural changes (See also Section 23.04.314).

(20) **Temporary sales and events:** Banners, signs or decorative materials in conjunction with an event conducted pursuant to Sections 23.08.142 (Outdoor Retail Sales), 23.08.246 (Temporary Events), or grand openings. Such banners, signs and decorative materials are not to be posed more than 30 days preceding the event, are to 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 is not to exceed 25% 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 of the Planning and Building Department, prior to a determination that the mural is exempt. If the mural is deemed to not be exempt by the Planning Director, the applicant shall meet all standards and obtain a sign permit as required by Section 23.04.300 et seq.

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 23.04.310, 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.

(6) Freestanding signs other than monument signs.

[Amended 1995, Ord. 2715; 1995, Ord. 2740]

23.04.308 - 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 is to 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 is to 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 is to 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.

23.04.310 - Signs Allowed - Type and Area:

The following signs are allowed on a site subject to approval of a sign permit (Section 23.04.306a), in addition to any exempt signs allowed by Section 23.04.306b.

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. of this section 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, provided they are designed as an integral part of the structure they identify:

(i) 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% 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.

(ii) One suspended sign with a maximum area of 10 square feet for each business or tenant.

(iii) One monument sign for each 300 linear feet of site frontage or portion thereof, with a maximum area of 60 square feet each.

(iv) One projecting sign with a maximum area of 20 square feet for each business or tenant.

(v) 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 signing per site:

(i) 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% 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, provided they are designed as an integral part of the structure they identify.

(ii) One suspended sign with a maximum area of 10 square feet for each business or tenant.

(iii) On 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) of this section for the Office and Professional category.

b. **Location of monument signs.** Monument signs may be located within the setback areas required by Sections 23.04.100 et seq., provided such signs do not exceed three feet in height.

c. **Specialized sign requirements:**

(1) **Shopping, business or industrial center signing:** When approved as part of the Development Plan, 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

of this section. Where visible from a public street, signing on shopping center sites is to 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. Such signing may include the name of the community, slogans or mottos, names of civic or religious organizations, but no names of businesses or commercial products.

(3) **Freeway identification signs:** In addition to signs allowed by subsection a of this section, sites located in Commercial categories adjacent to State Highway 101 or a Highway 101 Frontage Road may be authorized through Development Plan 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 is to be 50 feet above grade, provided that the Planning Commission may require a reduced height where deemed appropriate.

(4) **Viticultural area signing.** Each area of San Luis Obispo 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:

(i) **Required sign location:** On private property along a state highway, at or within the boundary of the viticultural area as determined by BATF.

(ii) **Maximum area and height:** A maximum area of 80 square feet and a maximum height of 12 feet.

(iii) **Sign copy:** Shall consist only of the phrase "Entering the (Applicable Name) Viticultural Area".

(5) **Winery directional signs.** In addition to any signs allowed by subsection a of this section, 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.

(i) **Maximum area and height:** A maximum area of 32 square feet and a maximum height of 10 feet.

(ii) **Appearance.** All winery directional signs shall be of a uniform design, to be approved by the Planning Director.

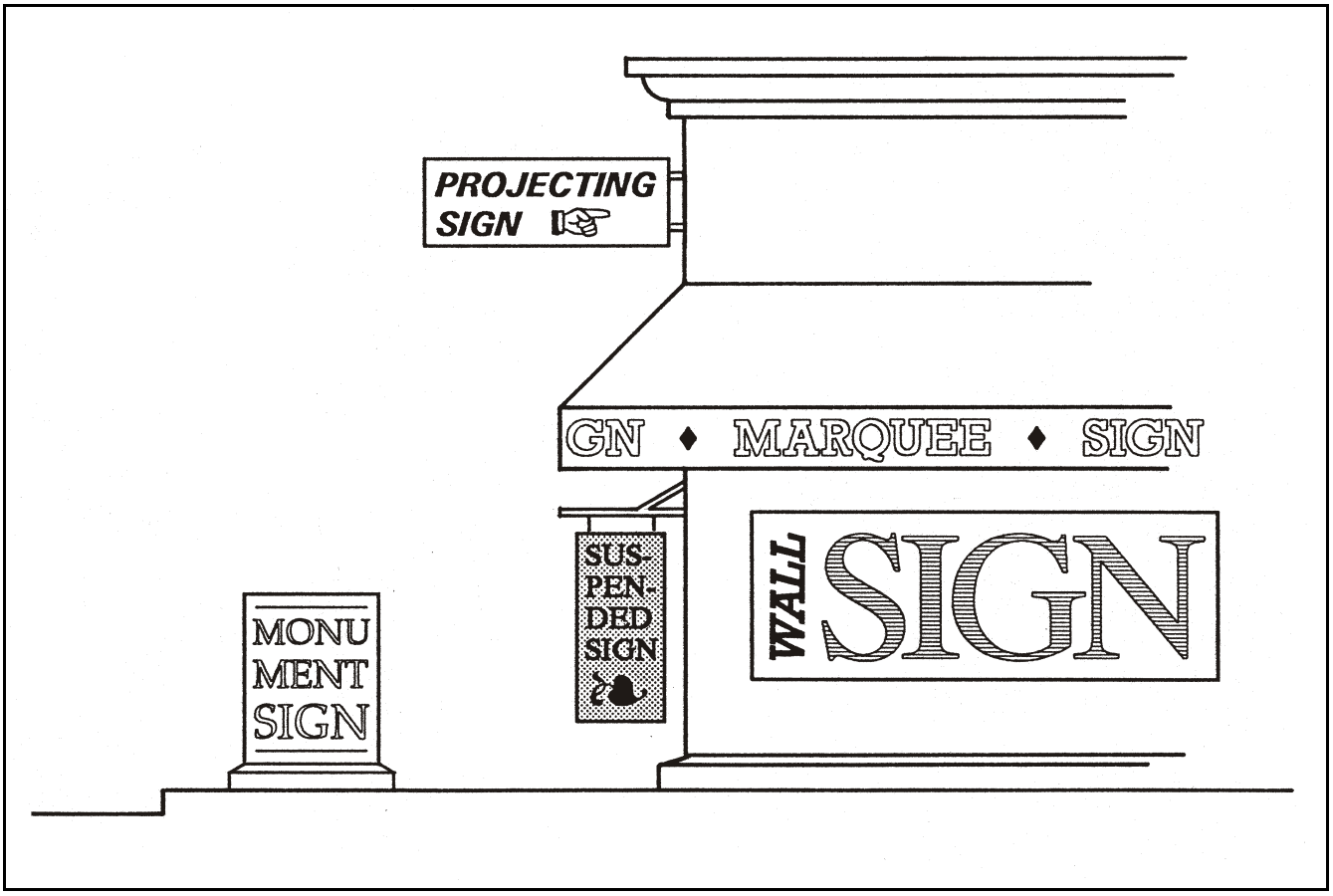
(iii) **Sign copy:** Shall consist only of the name of the winery, the distance and direction from the sign.

d. **Exceptions to sign standards:** Greater numbers of signs or areas of signing larger than the requirements of subsections a. or c. of this section require Development Plan approval.

[Amended 1995, Ord. 2715]

23.04.312 - Sign Construction Standards:

The design and construction of signs is to be in accordance with Sections 401 through 1402 of the Uniform Sign Code, and the following:



Signs - Example

a. **Height:** The height of any sign or sign support structure is to be a maximum of 24 feet, or no higher than the building, whichever is less, except where otherwise provided by Section 23.04.310 (Sign Design Standards).

b. **Lighting:** Signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it.

23.04.314 - 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

are to be removed from the site, or in the case of painted signs, painted out. Signing which is not in conformity with the provisions of this chapter is subject to Section 23.09.032 (Nonconforming Signs).

23.04.320 - Outdoor Lights:

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.

a. **Illumination only:** Outdoor lighting is to be used for the purpose of illumination only, and is not to be designed for or used as an advertising display, except as provided by Sections 23.04.300 et. seq. (Signing).

b. **Light directed onto lot:** Light sources are to 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 such concentration or intensity as to be detrimental or harmful to persons, or to interfere 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 is to 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 is to be shielded so as not to be directly visible from off-site.

e. **Height of light fixtures:** Free-standing outdoor lighting fixtures are not to 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 2004, Ord. 3001]

23.04.360 - Non-Taxable Merchandise Limitations. The following standards apply to any retail trade use (see Table O, Part I of the Land Use Element).

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 the reporting year.

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]

23.04.400 - Adult Businesses.

The purpose of this section is to establish a comprehensive set of regulations applicable to and regulating the location of adult businesses and similar and related uses in the unincorporated area of the County of San Luis Obispo. These regulations are in addition to all other provisions of this Title and apply to those land uses listed in Table O, Part I of the Land Use Element (e.g., bookstores, motion picture theaters, etc.) which, because of the emphasis or primary orientation of their stock-in-trade or services offered, constitute adult businesses as defined in this section. In the event that any of the 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 of Supervisors find 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 contained in Chapter 23.11 of this Title, the following words and phases shall, for the purposes of this section, be defined as follows, unless it is clearly apparent from the context that another meaning is intended:

(1) **"Adult bookstore"** shall mean 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"** shall mean 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"** shall mean 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"** shall mean 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"** shall mean 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"** shall mean 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, 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"** shall mean 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"** shall mean:

(i) Less than completely and opaquely covered:

(a) human genitals, pubic region, and

(b) buttock, and

(c) female breast below a point immediately above the top of the areola; in combination with

(ii) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(10) **"Specified sexual activities"** shall mean:

(i) Human genitals in a state of sexual stimulation or arousal; or

(ii) Acts of human masturbation, sexual intercourse, or sodomy; or

(iii) 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 allowed ("A") use, principal permitted ("PP") use or a special ("S") use under Coastal Table O, Part I of the Land Use Element, it shall be unlawful to cause or permit the establishment of any such adult business if the adult business is to be located:

(1) Within five hundred (500) feet of any land located within any Residential category or residential zone district; or

(2) Within one thousand (1000) feet of any other adult business; or

(3) Within one thousand (1000) feet of any parcel on which there is located any public library or any public, private, or parochial school or preschool; or

(4) Within one thousand (1000) feet of any parcel on which there is located a church or any noncommercial establishment operated by a bona fide religious organization; or

(5) Within one thousand (1000) feet of any parcel or which there is located a city, district, county or state owned, operated and maintained public park, public playground, public beach 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 Planning Commission for waiver of the locational provisions for adult businesses set forth in subsection c. above.

(1) **Permit requirement:** Development Plan approval is required for a waiver of the locational provisions set forth in subsection c. above.

(2) **Application content:** The Development Plan 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 Development Plan by Section 23.01.060 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. [Amended 1992, Ord. 2584]

(4) **Additional findings required:** The Planning Commission may approve or conditionally approve a Development Plan to waive any of the locational provisions of this section if, in addition to the findings of fact required to be made by Section 23.02.034e(4) of this title, it makes findings of fact:

(i) 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.

(ii) The proposed use will not enlarge or encourage the development of a "skid row" area.

(iii) 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.

f. **Severability.** If any subsection, sentence, clause, phrase, or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this section. The Board of Supervisors hereby declare that it would have passed this section and each subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

23.04.420 - Coastal Access Required.

Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section. The intent of these standards is to assure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.

a. Access defined:

(1) Lateral access: Provides for public access and use along the shoreline.

(2) Vertical access: Provides access from the first public road to the shore, or perpendicular to the shore.

(3) Pass and repass: The right of the public to move on foot along the shoreline.

b. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where such rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

c. When new access is required. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) Access would be inconsistent with public safety, military security needs or the protection of fragile coastal resources; or

(2) The site already satisfies the provisions of subsection d of this section; or

(3) Agriculture would be adversely affected; or

(4) The proposed new development is any of the following:

(i) Replacement of any structure pursuant to the provisions of Section 30610(g) of the California Coastal Act.

(ii) The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(iii) Improvements to any structure that do not change the intensity of its use, or increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede public access and do not result in additional seaward

encroachment by the structure. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(iv) The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(v) Any repair or maintenance activity excluded from obtaining a land use permit by this title, except where the Planning Director determines that the use or activity will have an adverse effect on lateral public access along the beach.

(vi) Nothing in this subsection shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

d. Type of access required:

(1) Vertical Access:

(i) Within urban and village areas: Within an urban or village area where no dedicated or public access exists within one-quarter mile of the site, or if the site has more than one-quarter mile of coastal frontage, an accessway shall be provided for each quarter mile of frontage.

(ii) In rural areas: In rural areas where no dedicated or public access exists within one mile, or if the site has more than one mile of coastal frontage, an accessway shall be provided for each mile of frontage.

(iii) Prescriptive rights: An accessway shall be provided on any site where prescriptive rights of public access have been determined by a court to exist.

(iv) Additional accessways: The applicable approval body may require accessways in addition to those required by this section where the approval body finds that a proposed development would, at the time of approval or at a future date, increase pedestrian use of any adjacent accessway beyond its capacity.

(2) Vertical access dedication. Accessways shall be a minimum width of five feet in urban areas and 10 feet in rural areas.

(3) Lateral access dedication: All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline or other limitations, the County shall evaluate the safety and other constraints and whether alterative siting of accessways is appropriate. This consideration would help maximize public access consistent with the LCP and the California Coastal Act.

e. **Timing of access requirements.** The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this section.

(1) **Dedication:** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

(2) **Construction of improvements:** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

(3) **Opening access for public use.** No new coastal access required by this section shall be opened or otherwise made available for public use until a public agency or private association approved by the county agrees to accept responsibility for maintenance of the accessway and any liability resulting from public use of the accessway.

(4) **Interference with public use prohibited.** Following an offer to dedicate public access pursuant to subsection e(1) of this section, the property owner shall not interfere with use by the public of the areas subject to the offer before acceptance by the responsible entity.

f. **Permit requirement.** Except as otherwise provided by this subsection, Minor Use Permit approval is required before issuance of any construction permit for an accessway, or the start of any access construction not requiring a permit, unless the details of the required access are approved as part of another Minor Use Permit or Development Plan for the principal use. The permit requirement of this subsection applies to the construction of a new accessway, or alteration, major restoration, transfer of maintenance responsibility or abandonment of an existing accessway. No land use permit is required for:

(1) The offer of dedication, grant of easement or other conveyance of title for future accessway construction where no public use exists or is proposed at the time of conveyance; or

(2) Normal maintenance or minor improvements, where the total valuation of work does not exceed $1500 as determined by the County Fee Ordinance.

g. **Access title and guarantee:** Where public coastal accessways are required by this section, approval of a land division, or land use permit for new development shall require guarantee of such access through deed restriction, or dedication of right-of-way or easement. Before approval of a land use permit or land division, the method and form of such access guarantee shall be approved by County Counsel, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The recorded document shall include the mapped location of the access area prepared by a licensed professional, as well as legal descriptions of the access area and the affected properties. The method of access guarantee shall be chosen according to the following criteria:

(1) **Deed restriction.** Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Planning Director.

(2) **Grant of fee interest or easement:** Shall be used when a public agency or private organization approved by the Planning Director is willing to assume ownership, maintenance and liability for the access.

(3) **Offer of dedication:** Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. Such offers shall not be accepted until maintenance responsibility and liability is established.

(4) **Procedures for open space easements and public access documents.** Pursuant to Section 13574 of Title 14 of the California Administrative Code, all land use permits and tentative subdivision maps subject to conditions of approval pertaining to public access, open space, agricultural or conservation easements shall be subject to the following procedures:

(i) All legal documents shall be forwarded to the executive director of the Coastal Commission for review and approval as to the legal adequacy and consistency with the requirements of potential accepting agencies;

(ii) The executive director of the Coastal Commission shall have 15 working days from the receipt of the documents in which to complete the review and to notify the applicant and the county of recommended revisions, if any;

(iii) If the executive director of the Coastal Commission has recommended revisions to the applicant, the land use permit shall not become effective pursuant to Section 23.02.034d of this title until the deficiencies have been resolved to the satisfaction of the executive director;

(iv) The land use permit may become effective (Section 23.02.034d) upon expiration of the 15 working day period if the Coastal Commission has not notified the applicant and the county that the documents are not acceptable.

h. **Requirements for access improvements and support facilities.** Coastal accessways required by this section or by planning area standards of the Land Use Element shall be physically improved as provided by this subsection. The need for improvements to any accessway shall be considered as part of land use permit approval, and responsibility for constructing the improvement shall be borne by the developer or consenting public agency. After construction, maintenance and repair may be accomplished by a public agency or by a private entity approved by the applicable review body taking action on the project land use permit.

(1) **Typical improvements that may be required.** The extent and type of improvements and support facilities that may be required may include but are not limited to drainage and erosion control measures, planting, surfacing, structures such as steps, stairways, handrails, barriers, fences or walls, benches, tables, lighting, parking spaces for the disabled, safety vehicles or general public use, as well as structures such as restrooms or overlooks.

(2) **Type and extent of improvements - required findings.** The improvements described in subsection h(1) of this section shall be required to an extent where such improvements:

(i) Are necessary to either assure reasonable public access, protect the health and safety of access users, assure and provide for proper long-term maintenance of the accessway, or protect the privacy of adjacent residents.

(ii) Are adequate to accommodate the expected level and intensity of public use that may occur;

(iii) Can be properly maintained by the approved maintenance entity;

(iv) Incorporate adequate measures to protect the privacy and property rights of adjoining property owners and residents.

i. **Accessway signing.** Where required through land use permit or tentative subdivision map approval, signs installed in conjunction with accessways shall conform to the following standards:

(1) **Sign design.** Accessway signs shall use white letters on a brown background. The number and dimensions of signs are to be determined through land use permit review.

(2) **Identification Signs:** Shall contain the words "COASTAL ACCESS" in three-inch letters at the top of the sign, as well as the name of the accessway, if any, and indicate if there are any hazards or rare or endangered species.

(3) **No Trespass Signs:** Shall contain the words "RESPECT PRIVATE PROPERTY - NO TRESPASSING".

(4) **Hazard Signs:** Shall be located at the tops of bluffs or cliffs.

(5) **Parking area signing:** Each parking area shall be posted in a location visible from the public road with a sign that is between two and four square feet in area, stating: "PARKING FOR PUBLIC COASTAL ACCESS". Lettering shall be a minimum of two inches high and clearly legible.

j. **Restoration of degraded access areas.** Existing coastal access areas that have been degraded through intense use shall be restored along with construction of new development on the site to the maximum extent feasible. Restoration techniques shall be established through landscaping plan review and approval, and may include trail consolidation and revegetation using native plant species, as well as controlling public access. Restoration shall be required as a condition of land use permit approval, subject to the criteria of this subsection. Restoration of an accessway by a public agency shall require Minor Use Permit approval. The following standards shall apply in addition to any other access improvements required as part of Minor Use Permit review:

(1) Areas of the site where native vegetation has been destroyed, that are not proposed to be improved with structures, paved areas or landscaping, shall be revegetated with indigenous plants. Prior to revegetation, a landscape plan shall be prepared, reviewed and approved pursuant to Section 23.04.180 et seq. (Landscape) for the areas of revegetation.

(2) The use of motor vehicles on the accessway, other than maintenance, emergency and agricultural vehicles, shall be prevented by physical barriers for areas other than designated parking.

(3) Installation of a physical barrier may be required through Minor Use Permit or Development Plan approval to restrict access to degraded areas.

(4) Public access may be restricted if it is determined that the area is extremely degraded and time is needed to allow recovery of vegetation. Access may be restricted by temporary barriers such as fencing, with signs explaining the restriction. The degree of access and restrictions will be determined by the Planning Director after consultation with the property owner and affected public agencies. At the time of such restriction a date shall be set for removal of such barriers and signs. On or before that date, the Planning Director shall review the progress of recovery and may extend the restriction.

k. **Sighting criteria for coastal accessway.** In reviewing a proposed accessway, the applicable review body shall consider the effects that a public accessway may have on adjoining land uses in the location and design of the accessway. When new development is proposed, it shall be located so as not to restrict access or to create possible privacy problems. Where feasible, the following general criteria shall be used in reviewing new access locations, or the location of new development where coastal access considerations are involved:

(1) Accessway locations and routes should avoid agricultural areas, sensitive habitats and existing or proposed residential areas by locating near the edge of project sites;

(2) The size and location of vertical accessways should be based upon the level and intensity of existing and proposed access;

(3) Review of the accessway shall consider: safety hazards, adequate parking provisions, privacy needs of adjacent residences, adequate signing, and levels of improvements necessary to provide for access;

(4) Limiting access to pass and repass should be considered where there are nearby residences, where topographic constraints make the use of the beach dangerous, where there are habitat values that can be disturbed by active use.

[Amended 1995, Ord. 2715; 2004, Ord. 2999]

23.04.430 - Availability of Water Supply and Sewage Disposal Services.

A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III:

a. A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line.

b. Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.

23.04.432 - Development Requiring Water or Sewer Service Extensions.

To minimize conflicts between agricultural and urban land uses, development requiring new community water or sewage disposal service extensions beyond the urban services line shall not be approved.

23.04.440 Transfer of Development Credits - Cambria.

The purpose of this section is to implement portions of the Cambria/Lodge Hill Transfer of Development Credits Program (TDC) by providing a procedure to allow simple transfers within the Lodge Hill area of the community of Cambria. Consistent with applicable planning area programs and standards of the Land Use Element, the objective of this section is to reduce potential buildout in sensitive areas of Lodge Hill called "Special Project Areas." Through transfer of development credits, allowable building area (expressed in square footage) for lots within a special project area may be transferred to more suitable sites within Lodge Hill. A lot from which development credits have been transferred is "retired", and loses its building potential through recordation of permanent conservation easement or other document. A residence on a "receiver" lot may thus be developed with larger dwellings than would otherwise be allowed by planning area standards.

a. **Where allowed.** Development credit transfers shall occur only on parcels located within the Lodge Hill area (east and west) as defined by Figure 3, Cambria Urban Area, Part II of the Land Use Element. Lots being retired for purposes of a transfer shall be located within a special project area as shown on Figure 3. In no case shall a development credit be transferred to a building site within a special project area from outside the area. Lots within a special project area may qualify for additional dwelling square footage only by retiring lot(s) within a special project area.

b. **Permit requirement.** Minor Use Permit for the proposed dwelling and site receiving the additional allowed square footage. No permit requirement for the lot to be retired into open space.

c. **Required findings.** The Planning Director or applicable appeal body shall not approve a Minor Use Permit for a residence to be constructed with additional square footage gained through TDC until the following findings have been made:

(1) Adequate instruments have been executed to assure that lot(s) to be retired will remain in permanent open space and that no development will occur; and

(2) The "receiver" site can accommodate the proposed scale and intensity of development without the need for a variance (23.01.045), exception to height limitations (23.04.124b) or modification to parking standards (23.04.162h); and

(3) The circumstances of the transfer are consistent with the purpose and intent of the applicable planning area programs and standards regarding transfer of development credits.

d. **Eligible purchasers of TDC's.** Owners of small lots within Lodge Hill may be allowed to construct a larger residence than would otherwise be allowed by the planning area standards of the Land Use Element through participation in the TDC program. Larger residences may be constructed on a "receiver" lot through purchase of available square footage from a non-profit corporation organized for conservation purposes.

e. **Application contents.** In addition to meeting the application contents of section 22.02.033 (Minor Use Permit), an applicant proposing a TDC shall submit evidence that a preliminary agreement has been reached between the property owners and a non-profit corporation organized for conservation purposes approved by the Planning Director, and including the following:

(1) The location of the lot(s) to be retired;

(2) The size and approximate slope of both lots to be retired and lot(s) to receive additional square footage;

(3) The method of permanent disposition of fee title of the lot(s) to be retired;

(4) The type of conservation easement, deed restriction or other instrument utilized to guarantee the permanent open space of the lot(s) to be retired.

f. **Participation of a non-profit corporation required.** A TDC shall not be approved unless a non-profit corporation or public agency, organized for conservation purposes and approved by the Planning Director, participates in the TDC process. The role of the non-profit corporation may include public information and TDC program development, a source of available square footage for purchase, recordation of easements, deed restrictions or other documents, and may be responsible for final disposition of lots to be retired.

CHAPTER 5: SITE DEVELOPMENT STANDARDS

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23.05.010 - 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.

23.05.020 - Grading:

Sections 23.05.022 through 23.05.039 establish standards for grading and excavation activities to minimize hazards to life and property; protect against erosion and the sedimentation of water courses; and protect the safety, use and stability of public rights-of-way and drainage channels. Additional standards for grading within a Sensitive Resource Area are in Sections 23.07.160 et seq. The grading standards of this chapter are organized into the following sections:

23.05.022 Grading Regulations Adopted
23.05.024 Grading Plan Required
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23.05.027 Grading Permit Fees
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23.05.030 Grading Permit Review and approval
23.05.032 Commencement and Completion of Grading
23.05.034 Grading Standards
23.05.036 Sedimentation and Erosion Control
23.05.038 Appeal
23.05.039 Nuisance and Hazard Abatement

23.05.022 - Grading Regulations Adopted:

All grading activities shall occur pursuant to the provisions of Chapter 70 of the Uniform Building Code, 1985 edition, which is hereby adopted and incorporated into this title by reference as though it were fully set forth here.

In the event of any conflict between the provisions of this chapter and Chapter 70 of the Uniform Building Code, this chapter shall prevail.

23.05.024 - Grading Plan:

a. **When required:** In any case where a proposed project requiring land use permit approval involves 50 or more cubic yards of earth moving, the land use permit application shall include a grading plan containing the information specified by subsection b of this section.

b. **Grading plan content:** A grading plan shall be neatly and accurately drawn to scale, including the following information:

(i) Existing ground contours or elevations of the site at five foot intervals.

(ii) Contours or site elevations after grading is completed, including any modifications to drainage channels.

(iii) Any required retaining walls or other means of retaining cuts or fills.

(iv) Elevations of the edge of the pavement or road at driveway entrance.

(v) Elevation of the finish floor of the garage or other parking area.

(vi) Elevations at the base of building corners.

(vii) An estimate of the volume of earth to be moved, expressed in cubic yards.

Where a grading permit is required by Section 23.05.025 (Grading Permit Required), the grading plan shall also include all information required by Section 23.05.028 (Grading Permit - Application Content).

23.05.025 - Grading Permit Required:

A grading permit shall be obtained before beginning any: grading, excavation, or fill activities; or for any diking or dredging activities involving wetlands and riparian areas; or for any earthwork, paving, surfacing or other construction activity that alters any natural or other existing offsite drainage pattern, including but not limited to any change in the direction, velocity or volume of flow; except for the activities identified by Section 23.05.026 (Grading Permit Exemptions). This section and Section 23.05.026 supersede Section 7003 of the Uniform Building Code. Where a grading permit application proposes a project that is not otherwise subject to the land use permit requirements of Chapters 23.03 or 23.08 or other applicable section of this title, grading permit approval certifies that the proposed project will satisfy all applicable provisions of this title and thereby constitutes approval of a coastal development permit. Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, Minor Use Permit approval is also required as set forth in Section 23.02.033.

23.05.026 - Grading Permit Exemptions.

The following activities are exempt from the requirements of Section 23.05.025 for a grading permit:

a. Where authorized by a valid building permit, excavations below existing or finish grade for basements, and footings of a building, retaining walls or other structures; provided that this shall not exempt any fill made with material from such excavation nor exempt any excavation occurring where the natural slope of the site exceeds 20 percent or any excavation having an unsupported height greater than five feet after the completion of such structure.

b. Cemetery graves.

c. Excavations or fills approved by the county Engineering Department for subdivision map projects with approved coastal development permits.

d. Agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures.

e. Surface mining operations approved in accordance with Section 23.08.180 et seq. (Surface Mining).

f. An excavation which is less than two feet in depth; or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.

g. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

h. Excavations for wells, tunnels (except mining - see Section 23.08.190 et seq.), routing pipeline maintenance practices disturbing areas less than 1,000 square feet in size; 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, sewage disposal or natural gas lines, on a single site or within a public right-of-way; provided that this exemption does not apply to such excavations in the following areas: [Amended 1992, Ord. 2591]

(1) Any area designated as appealable pursuant to Section 23.01.043;

(2) Within an archaeologically sensitive area as shown in the Land Use Element;

(3) Within 100 feet of an Environmentally Sensitive Habitat;

(4) Extensions of water or sewage service outside of an urban services line as shown in the Land Use Element.

[Amended 2006, Ord. 3082]

23.05.027 - Grading Permit Fees.

Fees for grading permits shall be as set forth in County Fee Ordinance. This section supersedes Section 7007(b) of the Uniform Building Code.

23.05.028 - Grading Permit - Application Content:

To apply for a grading permit, a Plot Plan application is to be submitted, together with the additional information required by this section. (Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, the application shall also include all information required by Section 23.02.033 for a Minor Use Permit.) Where grading requiring a permit is proposed in conjunction with a Site Plan, Minor Use Permit or Development Plan request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted. This section supersedes Section 7006 of the Uniform Building Code.

a. **Minor grading:** Where Section 23.05.025 requires a grading permit and the grading will move less than 5,000 cubic yards; is located on slopes less than 30%; and is not located within a Geologic Study Area or Flood Hazard combining designation, the application for a grading permit is to include the following, where required by the Building Official:

(1) **Contour information:**

(i) For sites with slopes of 10% or less, generalized existing contours and drainage channels, including areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations.

(ii) For sites with slopes greater than 10% and less than 30%, details of area drainage and accurate contours of existing ground at two-foot intervals; for slopes 30% or greater, contours at five-foot intervals.

(2) Location of any buildings or structures existing or proposed on the site within 50 feet of the area that may be affected by the proposed grading operations, including any wetlands, coastal stream or riparian vegetation.

(3) Proposed use of the site necessitating grading, where a land use permit has not been issued.

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

(5) Drainage plan (Section 23.05.044 (Drainage Plan Content)).

(6) Compaction report, where a site is proposed to be filled to be used for a building pad.

(7) A soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

(8) An engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

(9) Intended means of revegetation, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.

(10) 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. (Such information shall be submitted in the form of a sedimentation and erosion control plan pursuant to Section 23.05.036, when required by that section.)

b. **Engineered grading:** Where Section 23.05.026 requires a grading permit, and the grading will move 5,000 cubic yards or more, is located on slopes of 30% or greater, or is located within a Geologic Study Area, Flood Hazard area or within 100 feet of any Environmentally Sensitive Habitat, the grading plan is to be prepared and certified by a registered civil engineer, and is to include specifications covering construction and material requirements in addition to the information required for minor grading.

23.05.030 - Grading Permit Review and Approval:

Grading permit applications shall be processed as follows:

a. **Environmental determination:** As required by Title 14 of the California Administrative Code, all grading permit applications are to be transmitted to the Environmental Coordinator for an environmental determination pursuant to the California Environmental Quality Act (CEQA), except for the applications that propose grading on terrain with slopes less than 10%, that will involve less than 5,000 cubic yards of earth moving and are not located within a Sensitive Resource Area combining designation, 23.05.030 which applications are hereby deemed categorically exempt from the provisions of CEQA. Following transmittal to the Environmental Coordinator, no action shall be taken to approve, conditionally approve or deny a grading permit until it is:

(1) Returned to the Planning and Building Department accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(2) Returned to the Planning and Building Department accompanied by a duly issued and effective negative declaration; or

(3) Returned to the Planning and Building Department accompanied by an environmental impact report certified by the Board of Supervisors.

b. **Application processing where EIR required:** Where the Board of Supervisors has required an environmental impact report pursuant to CEQA, and:

(1) If a development plan is not required by other provisions of this title, a grading permit application shall be processed, reviewed and approved according to all the provisions of Section 23.02.034 (Development Plan), and the criteria of subsection e. of this section; or

(2) If a development plan is required by other provisions of this title, a grading permit 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 applicable conditions of approval of the development plan.

c. **Application processing where no EIR is required:** Where a grading permit is categorically exempt from the provisions of CEQA or has been granted a negative declaration, the Building Official may approve the permit where the proposed grading is in conformity with applicable provisions of this title; provided:

(1) The Building Official may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not considered at the time the permit was issued.

(2) Where a negative declaration for a grading permit has identified mitigation measures necessary to reduce environmental impacts, such mitigation measures are to be applicable to the approved grading permit and grading operations as conditions of approval.

d. **Application processing for appealable development:** Where grading activities are appealable to the Coastal Commission pursuant to Section 23.01.043, the grading permit shall be processed as a Minor Use Permit (Section 23.02.033).

e. **Criteria for approval:** A grading permit may be issued only where the Building Official first finds, where applicable, that:

(1) The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;

(2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property;

(3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

(4) Proposed drainage measures have been approved by the County Engineer.

f. Grading permit time limits:

(1) An approved grading permit is valid for a period of 120 days from the effective date of the permit, after which the permit shall expire unless:

(i) Grading has begun.

(ii) An extension has been granted as set forth in subsection f of this section.

(2) Where grading has been commenced within 120 days of permit issuance, grading operations are to be completed within 120 days from the date of commencement of grading unless an extension has been granted (subsection f), or the initial approval specifies a longer term for completion.

g. Extension of grading permit: Any permittee holding an unexpired grading permit may apply for an extension of the time within which grading operations are to be begun or completed, pursuant to Section 19.04.034 of the Building and Construction Ordinance, Title 19 of this code.

[Amended 1992, Ord. 2540; Amended 1992, Ord. 2547; 1993, Ord. 2501]

23.05.032 - Commencement and Completion of Grading:

All grading operations for which a permit is required are subject to inspection by the Building Official, and are to be completed in accordance with the following provisions:

a. Inspection: Where required by the Building Official, grading operations are to be conducted only while under the inspection of the Building Official, as set forth in Section 7014 of the Uniform Building Code, provided the Building Official may waive this requirement where inspection is conducted by another public agency or where the Building Official determines the nature and extent of proposed grading does not need continuous inspection.

b. Independent testing: The Building Official may require inspection and testing by an approved testing agency, and is responsible for coordination of the parties to all grading activities, including the civil engineer, soils engineer, and engineering geologist (where required), the grading contractor and the testing agency.

c. Bonding: Guarantees of performance may be required by the Building Official as set forth in Section 7008 of the Uniform Building Code and Section 23.02.060 of this title.

d. Completion of work: Completion of grading operations is to occur in accordance with Section 7015 of the Uniform Building Code.

23.05.034 - Grading Standards:

All excavations and fills, whether or not subject to the permit requirements of this title, shall be conducted in accordance with the provisions of Sections 7009 through 7013 of the Uniform Building Code, and the following standards:

a. **Area of cuts and fills:** Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a non-residential use.

b. **Grading for siting of new development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:

(1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and

(2) When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and

(3) **Grading adjustment.** Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

(i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.

(ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.

(iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

(iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

c. **Grading adjacent to Environmentally Sensitive Habitats.** Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat except:

(1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title; or

(2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

d. **Landform alterations within public view corridors.** Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridors from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

e. **Final contours:** Contours, elevations and shapes of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Border of cut slopes and fills are to be rounded off to a minimum radius of five feet to blend with the natural terrain.

f. **Grading near watercourses:** Grading, dredging or diking (consistent with Section 23.07.174) shall not alter any intermittent or perennial stream, or natural body of water shown on any USGS 7-1/2 minute map, except as permitted through approval of a county drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. (Additional standards are contained in Sections 23.07.172 through 174 of this title.) Watercourses shall be protected as follows:

(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the County Engineer in place.

(4) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or storm runoff.

g. **Revegetation:** Where natural vegetation has been removed through grading in areas not affected by the landscape requirements (Section 23.04.180 et seq. - Landscape, Screening and Fencing), and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed. [Amended 1993, Ord. 2649]

(1) **Preparation for revegetation:** Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

(2) **Methods of revegetation:** Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Building Official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands. Where riparian vegetation has been removed, riparian plant species shall be used for revegetation.

(3) **Timing of revegetation measures:** Permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements.

[Amended 2006, Ord. 3082]

23.05.036 - Sedimentation and Erosion Control:

a. **Sedimentation and erosion control plan required:** Submittal of a sedimentation and erosion control plan for review and approval by the County Engineer is required when:

(1) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 15 through April 15; or

(2) Land disturbance activities, including the removal of more than one-half acre of native vegetation are conducted in geologically unstable areas, on slopes in excess of 30%, on soils rated as having severe erosion hazard, or within 100 feet of any water course shown on the most current 7-1/2 minute USGS quadrangle map.

(3) The placing or disposal of soil, silt, bark, slash, sawdust or other organic or earthen materials from logging, construction and other soil disturbance activities above or below the anticipated high water line of a watercourse where they may be carried into such waters by rainfall or runoff in quantities deleterious to fish, wildlife or other beneficial uses.

When a sedimentation and erosion control plan is required, none of the activities described in subsections a(1) through a(3) above shall be commenced until such plan is approved by the County Engineer pursuant to this section.

b. **Sedimentation and erosion control plan preparation and processing:** Sedimentation and erosion control plans shall address both temporary and final measures and shall be submitted to the County Engineer for review and approval. When such plans are required, they shall be prepared by a registered civil engineer or other qualified professional approved by the County Engineer. Such plans shall be prepared in accordance with the San Luis Obispo County Standard Improvement Specifications and Drawings. Sedimentation and erosion control plans may be incorporated into and approved as part of a grading, drainage or other improvement plan, but must be clearly identified as a sedimentation and erosion

control plan. Selection of appropriate control measures shall be based upon evaluation of project design, site conditions, pre-development erosion rates and the environmental sensitivity of adjacent areas.

c. **Plan check, inspection, and completion:** Where required by the County Engineer, the applicant is to execute a plan check and inspection agreement with the county and the sedimentation and erosion control facilities inspected and approved before a certificate of occupancy is issued.

d. **Sedimentation and erosion control measures:** The control of sedimentation and erosion shall include but is not limited to the use of the following:

(1) **Slope surface stabilization:**

(i) Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas during construction.

(ii) Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

(2) **Erosion and sedimentation control devices:** In order to prevent polluting sedimentation discharges, erosion and sediment control devices shall be installed as required by the County Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water.

(3) **Final erosion control measures:** Within 30 days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measure, including those described in USDA Soil Conservation Service Bulletin 347.

e. **Off-site effects.** Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

23.05.038 - Appeal:

Any determination as to conformance with the grading standards in this chapter may be appealed to the Board of Supervisors in accordance with the procedure set forth in Section 23.01.042a of this title.

23.05.039 - Nuisance and Hazard Abatement:

Existing grading that has become hazardous to life or property is subject to Section 3304 through 3318 of the Uniform Building Code. Any grading performed in violation of this section shall be deemed a nuisance, and full abatement and restoration may be required and an assessment of cost may be levied in accordance with Chapter 23.10 (Enforcement).
[Amended 2004, Ord. 3001]

23.05.040 - Drainage:

Standards for the control of drainage and drainage facilities provide for designing projects to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new development. The standards of Sections 23.05.042 through 23.05.050 are applicable to projects and activities required to have land use permit approval.

23.05.042 - Drainage Plan Required:

No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that:

a. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 40,000 square feet; or

b. Will result in an impervious surface of more than 20,000 square feet; or

c. Is subject to local ponding due to soil conditions and lack of identified drainage channels; or

d. Is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or

e. Is located within a Flood Hazard (FH) combining designation; or

f. Involves land disturbance or placement of structures within 50 feet of any watercourse shown on the most current USGS 7-1/2 minute quadrangle map; or

g. Involves hillside development on slopes steeper than 10 percent.

h. May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including but not limited to any change in the direction, velocity, or volume of flow.

i. Involves development on a site adjacent to any coastal bluff.

[Amended 1995, Ord. 2715]

23.05.043 - Environmental Determination Required.

In any case where a drainage plan is required by Section 23.05.042 and an environmental determination is not otherwise required by Section 23.02.033 (Minor Use Permit), Section 23.02.034 (Development Plan), Chapter 23.07 (Combining Designations), or Section 23.05.030 (Grading Permit Review and Approval), the project application

is to be subject to an environmental determination as set forth in Section 23.02.034b(1) before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA.

[Amended 1995, Ord. 2715]

23.05.044 - Drainage Plan Preparation and 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.

a. **Basic drainage plan contents:** Except where an engineered drainage plan is required, a drainage plan is to include the following information about the site:

(1) Flow lines of surface waters onto and off the site.

(2) Existing and finished contours at two-foot intervals or other topographic information approved by the County Engineer.

(3) Building pad, finished floor and street elevations, existing and proposed.

(4) Existing and proposed drainage channels including drainage swales, ditches and berms.

(5) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.

(6) Estimates of existing and increased runoff resulting from the proposed improvements.

(7) Proposed erosion and sedimentation control measures.

(8) Proposed flood-proofing measures where determined to be necessary by the County Engineer.

b. **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 a of this section.

23.05.046 - Drainage Plan Review and Approval:

All drainage plans are to 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 or construction permit, as applicable. Actions of the County Engineer on drainage plans may be appealed to the Board of Supervisors in accordance with the procedure set forth

in Section 21.01.042a of this title; except that where the site is within a Flood Hazard combining designation, the procedure described in Section 23.07.066d shall be used.

23.05.048 - Plan Check, Inspection and Completion:

Where required by the County Engineer, a plan check and inspection agreement is to be entered into and the drainage facilities inspected and approved before a certificate of occupancy is issued.

23.05.050 - Drainage Standards:

a. **Design and construction.** Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights-of-way are to be designed and constructed as set forth in the County Engineering Department Standard Improvement Specifications and Drawings. Other systems and facilities subject to drainage plan review and approval are to be designed in accordance with good engineering practices. The design of drainage facilities in new land divisions and other new development subject to Minor Use Permit or Development Plan approval shall maximize groundwater recharge through on-site or communitywide stormwater infiltration measures. Examples of such measures include constructed wetlands, vegetated swales or filter strips, small percolation ponds, subsurface infiltration basins, infiltration wells, and recharge basins. Where possible, recharge basins shall be designed to be available for recreational use.

[Amended 2004, Ord. 3048]

b. **Natural channels and runoff.** Proposed projects are to include design provisions to retain off-site natural drainage patterns and, when required, limit peak runoff to pre-development levels. To the maximum extent feasible, all drainage courses shall be retained in or enhanced to appear in a natural condition, without channelization for flood control. On downhill sites, encourage drainage easements on lower properties so that drainage can be released on the street or other appropriate land area below.

c. **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 reason of inundation, overflow, high velocity or erosion, except where such buildings or structures are in conformity with the standards in Section 22.07.066 of this title and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. Such provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or by other means. The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. The County Engineer in the application of this standard shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program, authorized by U.S. Code Sections 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.

d. **Development adjacent to coastal bluffs.** Stormwater outfalls that discharge to the bluff, beach, intertidal area, or marine environment are prohibited unless it has been demonstrated that it is not feasible to detain

the stormwater on-site, or direct the stormwater to pervious land areas or the street, without causing flooding or erosion. In such instances, stormwater outfalls shall include filtration and treatment systems necessary to protect coastal water quality, be screened from public view using underground pipes and/or native vegetation screening of local stock, and receive all applicable agency approvals. Consolidation of existing outfalls shall be pursued where feasible. The drainage plan shall incorporate all reasonable measures to minimize increased erosion to the coastal bluff as a result of development.

e. Water Runoff.

(1) Best Management Practices - Residential development. All new residential development subject to discretionary review shall use Best Management Practices (BMPs) to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as the *California Storm Water Best Management Practices Handbook (Municipal).* Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques. The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids.

(2) Best Management Practices - Non-Residential development. All new non-residential development subject to discretionary review shall use Best Management Practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be consistent with the guidance found in documents such as the *California Storm Water Best Management Practices Handbook (Industrial/Commercial).* Such measures shall include both source control and treatment control practices to ensure that contaminants do not leave the site. Stormwater runoff from commercial development shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the Model Urban Runoff Program to keep contaminants and cleaning products from entering the storm drain system. The Best Management Practices shall include measures to minimize post-development loadings of total suspended solids. Where feasible, other Low Impact Design (LID) techniques shall be implemented.

f. Parking lots and paved areas. Parking lots and other paved areas where automobiles are parked that are 1.0 acres or greater in size shall be equipped with facilities and/or measures to address post-construction runoff and ongoing non-point source pollution (e.g., sediment and grease traps, oil/water separators, biofilters), and shall be subject to a periodic maintenance program which is funded and carried out by the property owner.

[Amended 2004, Ord. 2999; Amended 2004, Ord 3048; Amended 2006, Ord. 3082]

g. **Sensitive habitat and groundwater protection.** Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater.

h. **Impervious surfaces.** New development shall be designed to minimize the amount of impervious surfaces in order to maximize the amount of on-site runoff infiltration..

[Added 2004, Ord. 3048]

23.05.060 - Tree Removal.

The purpose of these standards is to protect existing trees and other coastal vegetation from indiscriminate or unnecessary removal consistent with Local Coastal Plan policies and pursuant to Section 30251 of the Coastal Act which requires protection of scenic and visual qualities of coastal areas. 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.

23.05.062 - Tree Removal Permit Required.

No person shall allow or cause the removal of any tree without first obtaining a tree removal permit, as required by this section:

a. **When required.** Plot Plan approval (Section 23.02.030), is required before the removal or replacement of any existing trees except for tree removal under circumstances that are exempt from tree removal permit requirements pursuant to subsection b. of this section, and except for the following types of tree removal, which are instead subject to Minor Use Permit approval:

(1) Riparian vegetation near any coastal stream or wetland. (See Section 23.07.174 for additional standards);

(2) Proposed for removal when not accompanied by a land use permit for development;

(3) Located in any appealable area as defined by Section 23.01.043c;

(4) Located in any Sensitive Resource Area (where the identified resources are trees) as shown on official combining designation maps (Part III of Land Use Element);

(5) Where tree cutting will cumulatively remove more than 6,000 square feet of vegetation as measured from the canopy of trees removed.

b. **Exceptions to tree removal permit requirements.** A tree removal permit is not required for the removal of trees that are:

(1) Identified and approved for removal in an approved land use permit or approved subdivision improvement drawings, provided that such removal is subject to the standards of Section 23.05.064 (Tree Removal Standards); or

(2) In a hazardous condition which presents an immediate danger to health or property as determined by a county inspection, provided that such removal is allowed by letter of the Planning Director and subject to the standards of Section 23.05.064 (Tree Removal Standards); or

(3) With trunks measuring less than eight inches in diameter at four feet above grade; or

(4) To be removed in preparation for agricultural cultivation and crop production in an Agriculture land use category.

(5) To be removed as part of management practice in orchards of commercial agricultural production.

c. **Application content.** Land use permit applications that propose tree removal are to include all information specified by Section 23.02.030b (Plot Plan Content) OR 23.02.033 (Minor Use Permit) where applicable, 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 2006, Ord. 3082]

23.05.064 - Tree Removal Standards.

Applications for tree removal in accordance with Section 23.05.062 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 Section 23.05.080;

(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.

c. **Replacement.** Any tree removed to accommodate new development or because it is a safety hazard shall be replaced, in a location on the site and with a species common to the community, as approved by the Planning Director.

d. **Tree removal within public view corridors.** Tree removal within public view corridors (areas visible from collector or arterial roads) shall be minimized in accordance with Visual and Scenic Resources Policy 5.

e. **Preservation of trees and natural vegetation.** New development shall incorporate design techniques and methods that minimize the need for tree removal.

23.05.080 - Fire Safety.

Any proposed use that requires land use permit approval is subject to the provisions of Sections 23.05.082 and 23.05.086. The purpose of these standards is to provide for precautions to minimize hazards to life and property in the event of fire.

23.05.082 - 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. [Amended 1992, Ord. 2570]

a. **Where required:** A fire safety plan is to 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 shall 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 shall 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) of this section 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 is to be completed before approval of a Minor Use Permit or Development Plan application; and before application for construction permits in cases of Plot Plan approval. [Amended 1992, Ord. 2570]

(2) **Effect of review:** Review of fire safety plans is to 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:

(i) 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.).

(ii) 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).

(iii) In the case of applications for Minor Use Permit or Development Plan approval, recommended fire protection requirements shall be considered as conditions of approval as set forth in Section 23.02.034c(2) (Development Plan Approval - Additional Conditions).

23.05.086 - 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 such later edition as adopted by an ordinance of San Luis Obispo County. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with such fire safety standards as required by the fire protection agency.

23.05.090 - Shoreline Structures.

Seawalls, cliff retaining walls, revetments, breakwaters and groins and other shoreline protective devices are subject to the following requirements.

a. **Where allowed:** Construction of shoreline structures that would substantially alter existing landforms shall be designed by a registered civil engineer or other qualified professional and shall be limited to projects necessary for:

(1) Protection of existing coastal development, consisting only of the principal structure and not including accessory structures such as garages, decks, steps, eaves, landscaping, etc. No shoreline protection device shall be allowed for the sole purpose of protecting accessory structure(s); or

(2) Protection of public beaches and recreation areas in danger of erosion;

(3) Coastal dependent uses; or

(4) Existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.

b. **Permit requirement.** Minor Use Permit, unless a Development Plan is otherwise required by Chapters 23.03 or 23.08 of this title or planning area standards of the Land Use Element for the proposed use of the site. Structures located below mean high tide line or within the Coastal Commission's original permit authority may also require a permit from the California Coastal Commission.

c. **Required findings.** In order to approve a land use permit for a shoreline structure, the Planning Director or other applicable review body shall first find that the structure is designed and sited to:

(1) Eliminate or mitigate adverse impacts on the local shoreline sand supply as determined by a registered civil engineer or other qualified professional; and

(2) Not preclude public access to and along the coast where an accessway is consistent with the provisions of Section 23.04.420 (Coastal Access Required); and

(3) Be visually compatible with adjacent structures and natural features to the maximum extent feasible; and

(4) Minimize erosion impacts on adjacent properties that may be caused by the structure; and

(5) Not adversely impact fish and wildlife; and

(6) That non-structural methods of protection (artificial sand nourishment or replacement) have been proven to be impractical or infeasible.

[Amended 2004, Ord. 2999]

23.05.100 - Street and Frontage Improvements.

The following sections establish standards for site access and street frontage improvements required with development projects authorized by a land use permit. These standards are organized into the following sections:

23.05.104 Site Access and Driveway Requirements
23.05.106 Curbs, Gutters and Sidewalks

23.05.104 - Site Access and Driveway Requirements.

All projects that are subject to a 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 all-weather physical access 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).

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 Section 23.04.162 - Off-Street Parking Required, or Chapter 23.08 for a special use).

(1) **Required street type:** 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 23.08.286 - Vehicle Storage).

(2) **Alternative street types:** Driveway access locations other than those required by subsection b(1) above are allowable subject to Minor Use Permit approval, provided that the Zoning Administrator 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 Development Plan is otherwise required, the approval can be granted by the Approval Body through the Development Plan subject to the same required finding.

	REQUIRED ACCESS LOCATION[1]		
PARKING LOT SIZE[2]	Parking Lot Turnover[3]		
	High	Medium	Low
6 - 20	Local	Local	Alley
21 - 40	Collector[4]	Local	Local
41 - 80	Collector	Collector	Local
81 +	Collector[5]	Collector	Local[6]

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. The number of proposed spaces in the parking lot.
3. Parking lot turnover is determined by Section 23.04.166 (Off-Street Parking Required), for the specific land use.
4. 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.
5. At least one site access driveway on a collector shall be within 800 feet of an arterial, measured along the roadway.
6. At least one site access driveway on a local street shall be within 400 feet of a collector, measured along the roadway.

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 the county code (Encroachments).

(1) **Driveway width.** The width of a driveway, as defined in Chapter 22.11 (Definitions - Driveway), providing access to a building site(s) 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 23.11 (Definitions - Fuel Modification Area), where applicable.

(2) **Exception to width standard.** In high or very high fire hazard severity zones, the following standards will apply:

a. **Required Driveway Width in Feet**.

LENGTH (IN FEET)	REQUIRED WIDTH
less than 50	10[1]
50-200	12[2]
greater than 200[3]	16

Notes:

1. The driveway shall provide for a fuel modification area as defined in Chapter 23.11 (Definitions - Fuel Modification Area).
2. A turnout, as defined in Chapter 23.11 (Definitions - Turnout), shall be provided near the midpoint.

3. For driveways exceeding 300 feet a turnaround, as defined in Chapter 23.11 (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 23.05.104f (Adjustment). An adjustment may also be requested for a driveway that exceeds 20 percent grade and is designed by a Registered Civil Engineer.

e. **Road design and construction.** Proposed roads or extensions of existing roads, as defined in Chapter 23.11 (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:

	REQUIRED ROAD WIDTH IN FEET	
	Residential	Commercial/Industrial
ONE-WAY	10[1]	16[2]
TWO-WAY	18	20[2]

Notes:

1. The road shall also provide for a fuel modification area as defined in Chapter 23.11 (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 23.05.104f (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 23.05.104d 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 23.05.104f.

(2) **Appeals.** Where an adjustment is not granted by the fire inspection authority, the applicant may appeal such denial to the Fire Appeal Board as set forth in Title 16 of the county code. Decisions by the Fire Appeal Board may be appealed to the Planning Commission (Section 23.01.042).

23.05.106 - 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 "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% of the total of all improvements existing on the site as determined by the assessment roll or a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Apprisal 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 as published by the Appraisers Standards Board of the Appraisal Foundation. Both of these 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 improvements would be required by subsection b. of this section.

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 pursuant to 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:

(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, pursuant to Title 21 of the County 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 such improvements.

(2) **Incompatible development:** The required improvements may be waived by joint decision of the Planning 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:**

(i) The required improvements may be waived when the Planning 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. of this section 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.

(ii) A portion of the improvements required by subsection c. of this section may be waived when the Planning 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 said subsection c. will be constructed.

(iii) 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 accordance with Section 22.05.106g and construct the improvements within a period of one year or such other time established by the County Engineer.

(4) **Board of Supervisors modification:** The requirement for curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed through approval of such by the Board of Supervisors where it has been determined by the County Engineer and the Director of Planning and Building that a waiver cannot otherwise be granted through the exceptions defined in Sections 23.05.106d(1) through (3), and the Board of Supervisors 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 Planning and Building Department.

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:**

(i) The County Engineer shall design and stake the improvements required by this section when the fronting streets are in the county-maintained road system.

(ii) When the fronting streets are not in the county-maintained road system or the improvements are required by Minor Use Permit or Development Plan 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.

(iii) 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:

(i) 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.

(ii) 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.

(iii) 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 to be completed as set forth in Section 23.02.044 (Project Completion), Section 23.02.048 (Occupancy with Incomplete Site Improvements) prior to occupancy, or Section 23.05.106g (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 of Supervisors in accordance with the procedure set forth in Section 23.01.042a of this title.
[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.05.110 - Road and Bridge Design, Construction and Maintenance.

Roads and bridges shall be designed, constructed and maintained to protect sensitive resources (such as aquatic habitat and scenic vistas) and prime agricultural soils to the maximum extent feasible; to minimize terrain disturbance, vegetation removal and disturbance of natural drainage courses; to avoid the need for shoreline and streambank protective devices; and to provide for bikeways and trails, consistent with the Circulation Element of the Local Coastal Plan. In addition, the following measures shall be implemented:

a. Contour slopes to blend in with adjacent natural topography.

b. Replant graded areas with native non-invasive vegetation of local stock.

c. Include pollution prevention procedures in the operation and maintenance of roads and bridges to reduce pollution of surface waters.

d. Apply fertilizers and nutrients at rates that establish and maintain vegetation without causing nutrient runoff to surface waters.

e. Give preference to aerial crossings of watercourses.

[Added 2004, Ord. 3048]

23.05.120 - Underground Utilities:

Utilities serving new development 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 regulation. 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 <u>not</u> 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 area 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 County Environmental Coordinator;

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 1995, Ord. 2715, 2004, Ord. 3001]

23.05.140 - Archeological Resources Discovery:

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

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

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 is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

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CHAPTER 6: OPERATIONAL STANDARDS

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23.06.010 - Purpose:

This chapter establishes standards to be applied to the operation and conduct of land uses after their establishment, and on a continuing basis. These standards 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. The purpose of this chapter is also to identify acceptable levels of noise and other emissions in various land use categories, and to set forth procedures for coordinating the review of development projects with the Air Pollution Control District and Regional Water Quality Control Board.

23.06.020 - 042

23.06.020 - Existing Uses:

Uses existing on the effective date of the Coastal Zone Land Use Ordinance, or on the date of a subsequent amendment to this Title that applies more restrictive operational standards to such uses, shall not be required to change their operations to comply with this chapter 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 23.06.040 - 23.06.060 or operated in such a manner as to create a public nuisance.

[Amended 1995, Ord. 2715]

23.06.030 - Enforcement:

The provisions of this chapter are to be enforced as provided by Chapter 23.10 (Enforcement).

23.06.040 - Noise Standards:

Sections 23.06.044-050 establish standards for acceptable exterior and interior noise levels and describe how noise is to 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 the 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. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses.

[Amended 1992, Ord. 2546]

23.06.042 - Exceptions to Noise Standards:

The standards of Sections 23.06.044-050 are <u>not</u> applicable to noise from the following sources:

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

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

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

d. Noise sources associated with construction, provided such activities do not take place before seven a.m. or after nine p.m. any day except Saturday or Sunday, or before eight a.m. or after five p.m. on Saturday or Sunday;

e. Noise sources associated with the maintenance of a residential use as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, provided that such activities take place between the hours of seven a.m. and nine p.m.;

f. Noise sources associated with agricultural land uses as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that such pest-repelling devices are used in accordance with accepted standards and practices;

g. Noise sources associated with a lawful use which is other than a residential use as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; this exemption shall expire one year after the effective date of this chapter;

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

i. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan.

j. 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.

[Amended 1992, Ord. 2546; 1993, Ord. 2591; 1995, Ord. 2715]

23.06.044 - 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 which are defined in the Land Use Element and Local Coastal Plan: residential uses listed in Table O, Framework for Planning, 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.

a. 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 such 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 10dB.

EXTERIOR NOISE LEVEL STANDARDS		
	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

b. In the event the measured ambient noise level exceeds the applicable exterior noise level standard in subsection (a), the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.

c. Each of the exterior noise level standards specified in subsection (a) shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

d. 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.

[Amended 1992, Ord. 2546]

23.06.046 - 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 Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, except for residential accessory uses and temporary dwellings.

a. 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:

INTERIOR NOISE LEVEL STANDARDS		
	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

b. In the event the measured ambient noise level exceeds the applicable interior noise level standard in subsection (a), the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.

c. Each of the interior noise level standards specified in subsection (a) shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

d. 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.

[Added 1992, Ord. 2546]

23.06.048 - Other Noise Sources:

The noise level standards in this section apply to the following noise sources:

a. **Air conditioning and refrigeration:** Notwithstanding the provisions of Section 23.06.044, when the intruding noise source is an air conditioning or refrigeration system or associated equipment installed prior to the effective date of this chapter, the exterior noise level as measured as provided in Section 23.06.050 shall not exceed 55 dB, except where such equipment is exempt from the provisions of this chapter. The exterior noise level shall not exceed fifty dB for such equipment installed or in use after one year after the effective date of this chapter.

b. **Waste and garbage collection equipment:** Notwithstanding the provisions of Section 23.06.044, noise sources associated with the collection of waste or garbage from a residential use (as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan) by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before seven a.m. or after seven p.m., and the noise level created by such activities when measured at a distance of fifty feet (50) in an open area shall not exceed the following standards:

(1) Eighty-five (85) dB for equipment in use, purchased or leased within six months from the effective date of this chapter.

(2) Eighty (80) dB for that equipment set forth in subsection a(1) after five years from the effective date of this chapter.

(3) Eighty (80) dB for new equipment purchased or leased after six months from the effective date of this chapter.

(4) Seventy-five (75) dB for new equipment purchased or leased after thirty-six months from the effective date of this chapter.

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c. **Electrical substations:** Notwithstanding the provisions of Section 23.06.044, noise sources associated with the operation of the following electrical substations shall not exceed an exterior noise level of fifty dB between 10 p.m. and 7 a.m. and fifty-five dB between 7 a.m. and 10 p.m., as determined at the property line of the receiving land use: the 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 electrical substations. If any of these existing electrical substations undergo modifications that increase noise levels, they shall be mitigated in accordance with the policies of the Noise Element Document.

[Added 1992, Ord. 2546]

23.06.050 - Noise Level Measurement:

For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:

a. **Use of meter:** Any noise measurement made pursuant to the provisions of Sections 23.06.044-048 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.

b. **Measuring exterior noise levels:** Except as otherwise provided in Sections 22.06.044-048, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Section 23.06.044. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.

c. **Measuring interior noise levels:** Interior noise levels shall be measured within the affected residential use listed in Section 23.06.046, at points at least four (4) 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.

[Added 1992, Ord. 2546]

23.06.060 - Vibration Standards: Any land use conducted in or within one-half mile of an urban or village reserve line is to 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

23.06.062 - Exceptions to Standards:

The vibration standards of this chapter are not applicable to:

a. Vibrations from construction, the demolition of structures, surface mining activities or geological exploration between 7:00 A.M. and 9:00 P.M.;

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

23.06.080 - Air Quality:

23.06.082 - Air Pollution Control District (APCD) Review:

This section 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. This section applies to any discretionary application filed as set forth in Chapter 23.02 (Permit Applications) except business licenses, as follows: residential uses (25 or greater - lots or units); commercial uses having a gross floor area of 2,000 square feet or greater; office uses having a gross floor area of 8,500 square feet or greater; financial institutions having a gross floor area of 1,200 square feet or greater; transient lodging (20 rooms or greater); all industrial uses; all recreational uses; restaurants; special events facilities; greenhouses; schools; hospitals; major transportation projects including but not limited to: light rail, airports, ports and marinas, roadway construction and expansion projects, or any other use which would generate 250 or more vehicle trips per day; and site disturbance of 2 acres or greater.

a. **Review procedure:** A copy of an application as described above shall be forwarded to the Air Pollution Control District for review upon receipt by the Planning and Building Department. The purposes of such referral are to:

(1) Enable the APCD to 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;

(2) Enable the APCD to 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.

(3) Enable the APCD to contact and advise the applicant on applicable permit and air quality requirements, and to advise the Planning and Building Department of any APCD permit requirements:

(i) In the case of a Plot Plan application, within 10 business days of application transmittal;

(ii) In the case of Minor Use Permit or Development Plan applications, notification of permit requirements, or special concerns or recommendations to be forwarded to the Zoning Administrator or Planning Commission, shall be returned to the Planning Department no later than 10 days before the public hearing on the application.

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b. When the APCD has notified the Planning Department that authority to construct is required, the applicant is to provide the Planning 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 Planning Department of APCD permit requirements within 10 business days of application transmittal, the lack of such notification shall not cause additional delay in permit issuance by the Planning Department; however, permit issuance under such circumstances shall not exempt any person from the necessity of obtaining APCD permits if required.

c. In cases where an APCD permit to operate is required, no certificate of occupancy is to be issued until the applicant has provided the Planning Department with evidence of such permit approval.

[Amended 1992, Ord. 2570; 1995, Ord. 2715]

23.06.084 - Odors:

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

LAND USE CATEGORY IN WHICH ODOR-PRODUCING USE 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.

23.06.100 - Water Quality:

a. **Standards for Preventing Polluted Runoff Impacts from Non-point Sources.** New development shall be designed and located to avoid significant adverse impacts to wetlands, streams, tidepools, sensitive plants, riparian vegetation, agricultural lands, and other environmentally sensitive habitat areas from surface water runoff and wastewater. The following shall apply to new development:

(1) Where potentially significant adverse impacts might occur, new development shall assess potential pollutants resulting from the development project, as well as the potential impacts of those pollutants on nearby waterways and agricultural lands. Proposed new development shall furthermore be consistent with the Central Coast Basin Plan's current water quality objectives for ocean waters, inland surface waters, enclosed bays, and estuaries.

Where polluted surface water runoff might occur as the result of a proposed development project, the proposed project shall be evaluated for potential impacts to critical waterway components, such as: dissolved oxygen, pH, suspended material, oil/grease, sediment, turbidity, temperature, toxicity, pesticides, chemicals, etc. Where applicable, measures shall be developed and

implemented to avoid and mitigate potentially significant adverse impacts (e.g., establish a vegetation "filter" strip between a waterway and development).

[Added 2006, Ord. 3082]

23.06.102 - Regional Water Quality Control Board (RWB) Review:

This section establishes a procedure for the notification of the California Central Coast Regional Water Quality Control Board 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 as set forth in Chapter 23.02 (Permit Applications), Section 23.05.020 (Grading), or Sections 23.08.170 et seq. (Resource Extraction) except for business licenses, is to be transmitted by the Planning Department to the RWB 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 the Land Use Element 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 Planning Department. The purposes of such transmittal are to:

(1) Enable the RWB to determine if the proposed use or activity is required to have discharge requirements, or is subject to other regulations of the RWB.

(2) Enable the RWB to contact and advise the applicant on applicable requirements, and to advise the Planning and Building Department of any RWB requirements:

(i) In the case of applications for Plot Plan approval, within 10 business days of application transmittal.

(ii) In the case of Minor Use Permit or Development Plan applications, notification of RWB requirements, special comments or recommendations to be forwarded to the Zoning Administrator or Planning Commission, shall be returned to the Planning Department no later than 10 days before the public hearing on the application.

[Amended 1992, Ord. 2570]

23.06.104 - Municipal Well-head Protection: Referrals:

The purpose of this section is to protect groundwater resources from contamination by proposed development.

Minor Use Permit and Development Plan applications that propose uses within one mile of a municipal well (locations of municipal wells may be shown in the area plans) that have the potential to release toxic or hazardous materials (e.g., gas stations, businesses that handle hazardous wastes) shall be referred to the County Environmental Health Division for review and appropriate recommended measures that assure protection of water quality. Recommended measures may include, but are not limited to the following:

a. Determining the extent of areas that contribute water to municipal wells, and making further recommendations as appropriate.

b. Relocating proposed uses relative to municipal wells, especially where such uses involve the manufacture, storage or handling of hazardous materials.

c. Concentrating or clustering development relative to the location of municipal wells.

d. Reducing the density or intensity of proposed uses.

e. Limiting the amounts of potential contaminants that may be stored or handled.

[Added 2004, Ord 3048]

23.06.106 - Wastewater: On-site Sewage Disposal: Wastewater from on-site sewage disposal systems shall not adversely affect groundwater resources or sensitive habitat.

Added 2004, Ord 3048]

23.06.108 - Chemical Control:

Land use permit applications that require discretionary review for projects that have potential to release toxic or hazardous materials (e.g., gas stations, businesses that handle hazardous wastes) shall include measures, and where applicable, Best Management Practices that: a) minimize the amounts of potential contaminants that may be stored or handled, b)assure proper containment and c) prevent release of contaminants into the environment. These measures and practices shall be referred to the County Division of Environmental Health for review and for recommendations that shall be implemented through the land use permit.

[Added 2004, Ord 3048]

23.06.120 - Toxic and Hazardous Materials:

The storage and use of poisonous, corrosive, explosive and other materials hazardous to life or property are subject to the following standards, where applicable. The standards of these sections are in addition to all applicable state and federal standards, including but not limited to any regulations administered by the County Health Department, Fire Department, Sheriff's Office, Agricultural Commissioner, and Air Pollution Control District. In the event any standards of this chapter conflict with regulations administered by other federal, state, or county agencies, the most restrictive standards apply.

23.06.124 - 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. **Permit requirement:** Development Plan 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 Development Plan 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. [Amended 1992, Ord. 2570]

b. **Location:** Explosives storage is allowed only in the Agriculture, Rural Lands or Industrial Category, or areas included within an Energy and Extractive Resource (EX) combining designation. A Development Plan application that proposes explosives storage is to be approved only where the Planning Commission finds the proposed site is within an area that is open in character and essentially free of development.

c. **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 Table 77.201 of the Uniform Fire Code (1988 edition, published by the International Conference of Building Officials) would require a greater setback than required by this section, such greater setback shall apply.

d. **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 accordance with the provisions of Sections 77.203 and 77.204 of the Uniform Fire Code (1985 edition, published by the International Conference of Building

Officials) 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 land form or barricade.

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

e. **Time limit:** Development Plan approval for storage of explosives may be granted for a maximum period of five years, provided such Development Plan shall be subject to review by the Planning Commission at any time. As a result of such review, if the commission finds that circumstances or conditions have changed so the use no longer meets the requirements of this section or the conditions of the Development Plan, the permit may be revised or revoked, whichever is more appropriate.

[Amended 1992, Ord. 2570]

23.06.126 - Flammable and Combustible Liquids Storage:

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

a. **Permit requirements:**

(1) **Health Department permit.** Facilities used for the underground storage of hazardous substances, including but not limited to gasoline and diesel fuel, are subject to the permit requirements of 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 c. of this section, 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 Development Plan approval.

b. **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 Development Plan approval.

c. **Limitations on quantity:** The quantity of flammable or combustible liquids stored on a site is to be limited as follows:

(1) **Residential areas:** Five gallons, unless authorized through Development Plan approval. Excluded from this requirement are the storage of flammable liquids:

(i) 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;

(ii) 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;

(iii) 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 is to be limited to the following quantities on any single building site, unless greater quantities are authorized through Development Plan or Minor Use Permit approval:

	QUANTITY ALLOWED (GALLONS)	
	Type of Storage	
TYPE OF LIQUID	Aboveground	Underground
Combustible	20,000	Unlimited
Flammable	2,000	20,000

d. **Setbacks:** Aboveground storage facilities for flammable or combustible liquids are to be set back 50 feet from any property line or residential use or as otherwise set forth in the Uniform Fire or Building Code where a smaller setback is allowed by those codes.

e. **Additional standards:**

(1) All storage of bulk flammable liquids within an urban or village reserve line is to be underground, except:

(i) As specified by Subsection c(1) of this section;

(ii) Where a petroleum refining or related industrial use is authorized in an Industrial category pursuant to Section 23.08.120b (Miscellaneous Special Uses);

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

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

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

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

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

CHAPTER 7: COMBINING DESIGNATION STANDARDS

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23.07.010 - Purpose:

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, or to satisfy the requirements of the California Coastal Act and the Local Coastal Plan, the certified Land Use Plan of the San Luis Obispo County Local Coastal Program.

23.07.012 - 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 (Part II of the Land Use Element), 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 (Part II of the Land Use Element), 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.

23.07.020 - Airport Review Area (AR):

The Airport Review combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element, 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 these sections regulate objects affecting navigable airspace, consistent with federal regulations. The Airport Review combining designation is applied to:

a. 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.

b. 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 Part II of the Land Use Element, which also contains special standards for specific Airport Review combining designation areas.

23.07.022 - 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 conditionally approvable may be granted a permit only when in conformity with all conditions of the applicable airport land use plan or implementing rules adopted pursuant thereto.

23.07.024 - Application Content:

In addition to the provisions of Chapter 23.02 of this Title, all applications are to include such descriptive and plan information as necessary to determine compliance with these airport review sections.

23.07.026 - Additional Height Standards:

The following standards apply to projects in the AR combining designation in addition to the provisions of Section 23.04.120 (Heights):

a. 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 by this title.

b. The maximum height of Subsection a 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.

23.07.028 - Additional Operational Standard:

The following standard shall apply in addition to the provisions of Chapter 23.06 of this Title: Except as provided in Section 23.07.020, 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.

23.07.030 - Avigation Easement Required:

To assure continued viability of avigable airspace within Airport Review 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.

23.07.032 - Appeal Procedure:

Any appeal or variance to Section 23.07.022 or 23.07.026 requested pursuant to Section 23.01.042a or 23.01.044 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.

23.07.040 - Energy and Extractive Resource Area (EX):

As applied to specific parcels by the Official Maps (Part III) of the Land Use Element, an Energy and Extractive Resource Area combining designation is used to identify areas of the county where:

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

b. 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);

c. 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.

[Amended 1992, Ord. 2591]

23.07.042 - Processing Requirements:

When located in an EX area, all proposed land uses required to have land use permit approval by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards of the Land Use Element (Part II), are subject to the requirements of Sections 23.07.040 through 23.07.044.

a. Permit required:

(1) Resource extraction: The land use permit requirements for oil wells or mining operations are to be as determined by Sections 23.08.170 et seq. (Resource Extraction).

(2) Electric generating facilities: The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Sections 23.08.300 et seq. (Electric Generating Plants).

(3) **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 Development Plan approval.

b. **Application content:**

(1) **Resource extraction:** As required by Sections 23.08.170, et seq. (Resource Extraction).

(2) **Electric generating facilities:** As required by Section 23.08.300, et seq. (Electric Generating Plants). [Amended 1992, Ord. 2591]

(3) **All other land uses:** Where a land use other than resource extraction or electric generation is proposed in an EX area, the permit application is to include a mineral resource report prepared by a geologist or mining engineer that evaluates:

(i) 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;

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

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

c. **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.

[Amended 1993, Ord. 2591; 1995, Ord. 2715]

23.07.044 - Development Standards:

Resource extraction operations are to be established and operated in accordance with the standards of Sections 23.08.170 et seq. (Resource Extraction). Development standards for electric generating facilities are to be in accordance with Sections 23.08.300 et seq. (Electric Generating Plants). Development standards for other land uses are to be established through the land use permit review and approval process.

[Amended 1993, Ord. 2591; 1995, Ord. 2715]

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23.07.060 - Flood Hazard Area (FH):

The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element 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 the San Luis Obispo County," dated July 18, 1985, with 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.

[Amended 1992, Ord. 2570; 2004, Ord. 3025]

23.07.062 - Applicability of Flood Hazard Standards:

All uses proposed within a Flood Hazard combining designation are subject to the standards of Sections 23.07.064 through 23.07.066, except:

a. **Temporary uses:** With the approval of the Director of Public Works, the of Planning and Building 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.

b. **Emergency work:** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the Director of Public Works is to be notified and an application filed with the Department of Planning and Building in compliance with the provisions of Section 23.07.064.

c. **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.

[Amended 2004, Ord. 3025]

23.07.064 - 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 23.05.042 (drainage plan required) the drainage plan shall include:

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

b. 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 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 location of flood elevation and the floodway, except where waived or modified by the Director of Public Works:

(1) 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.

(2) 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.

(3) A profile showing the slope of the bottom of the channel or flow line of the stream.

(4) Any previously determined flood data available from any state, federal or other source.

[Amended 2004, Ord. 3025]

23.07.065 - General Hazard Avoidance:

a. **New Development in Flood Hazard Areas.** New structural development, including expansions, additions and improvements to existing development, shall be located outside of the flood hazard areas to the maximum extent feasible. All new structural development located in a flood hazard areas, including expansions, additions, improvements, and repairs to existing development, shall be constructed consistent with the standards set forth in Section 23.07.066.

b. **Improvement/repair to existing structures in Flood Hazard Areas.** Where the value of improvements or repairs to existing structures located in flood hazard areas is greater than 50 percent of the market value of the existing structure before the start of construction of the new structure or any improvement, and prior to the damage requiring the repair, all structural development (existing and proposed) shall be located outside of flood hazard areas to the maximum extent feasible. This can be determined by the assessment roll or by a current apprisal. The apprisal shall be completed by an appraiser with a "Certificate 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. Any structural development (existing and proposed) that cannot be located outside of flood hazard areas shall be constructed and/or reconstructed consistent with the standards set forth in Section 23.07.066.

c. **Land Division in Flood Hazards Areas.** Land divisions, including lot line adjustments, are prohibited within hazard areas where they create new buildable areas within a hazard zone.

[Added 2006, Reso. 2006-6]

23.07.066

23.07.066 - Construction Standards:

a. Construction, general:

(1) No construction or grading is to 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.

(2) 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.

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

(4) 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.

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

(6) All buildings or structures shall be located landward of mean high tide.

(7) Residential, commercial and industrial development shall be prohibited outside of urban and village reserve lines.

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

(9) 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 minimum criteria:

(i) 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.

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

(iii) 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.

(10) On the basis of structural plans and the depth analysis, the ground floor of all structures is to 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.

(11) Non-residential construction shall either be elevated in conformance with Section 23.07.066a(10) above, 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:

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

(ii) Reinforcement of walls to resist water pressure.

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

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

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

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

b. **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 the capacity of the floodway 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.

c. **Coastal High Hazard areas.** The following requirements shall apply to new structures or any improvement / repair to an existing structure as specified in Section 23.07.066 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 23.07.060 of this title:

(1) 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.

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

(3) 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.

(4) Fill shall not be used for structural support of buildings.

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

(6) The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records.

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

(ii) 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.

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

(1) Upon completion of any structure within a flood hazard combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or 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 Section 23.07.066a(11) above, 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.

(2) 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.

(3) Compliance with the structural design requirements within Coastal High Hazard areas stated in Section 23.07.066c shall be certified by a registered civil engineer or architect.

e. 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 described in Section 23.01.044 of this title. Requests for such waivers or modifications shall be filed with County Public Works for processing. Procedures for the granting of variances under Title 14 are available from the County Public Works Department.

[Amended 1995, Ord. 2715; 1995, Ord. 2740; 2003, Ord. 3025]

f. **Waiver of rights to future armoring.** Where applicant's geologic assessment/wave run-up studies determine that the new or improved development is sited such that it will not need a shoreline protective device for the life of the structure, the applicants shall waive their rights to a future shoreline protective device.

[Added 2006, Reso. 2006-6]

e. **Tsunami Inundation Zone.** Where feasible, development shall be sited outside of potential tsunami inundation zones, even if not currently designated FH. A Registered Civil Engineer with coastal experience shall make a determination, through examination of the most current tsunami inundation and run-up maps or a wave run-up analysis, whether the site is subject to inundation during a tsunami, pursuant to the criteria of Section 23.07.064b. If it is not feasible to site development outside of tsunami inundation zone, new development shall be in conformance with all provisions set forth in Section 23.07.066(c).

[Added 2006, Reso. 2006-6]

23.07.080 - Geologic Study Area (GSA):

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, 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:

a. **Seismic hazard:** Areas of seismic (earthquake) hazard are identified through the 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);

b. **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;

c. **Liquefaction hazard:** Areas identified by the Seismic Safety Element as being subject to soil liquefaction.

d. **Erosion and stability hazard - coastal bluffs.** Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

23.07.082 - Applicability of GSA Standards:

The standards of Sections 23.07.084 through 23.08.086 apply to all land uses for which a permit is required, <u>except</u>:

a. 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.

b. Alterations or additions to any structure, the value of which does not exceed 50% of the assessed value of the structure in any 12-month period, except where the site is adjacent to a coastal bluff.

23.07.084 - Application Content - Geologic and Soils Report Required:

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) 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:

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

b. 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 are to 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.

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

(1) Surface rupture or other secondary ground effects of seismic activity at the site;

(2) Active landsliding or slope failure;

(3) Adverse groundwater conditions;

(4) Liquefaction hazards.

d. 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.

[Amended 1989, Ord. 2383; 1995, Ord. 2715; 1995, Ord. 2740]

23.07.085 - Review of Geology Report.

As required by California Code of Regulations Title 14, Section 3603, the geology and soils report required by Section 23.07.084 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 Planning Director shall file one copy with the State Geologist.
[Added 1989, Ord. 2383]

23.07.086 - Geologic Study Area Special Standards:

All uses within a Geologic Study Area are to be established and maintained in accordance with the following, as applicable:

a. **Grading:** Any grading not otherwise exempted from the permit requirements of Sections 23.05.020 et seq. (Grading) is to be performed as engineered grading under the provisions of those sections.

b. **Seismic hazard areas:** As required by California Public Resources Code Sections 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.

c. **Erosion and geologic stability.** New development shall insure structural stability while not creating or contributing to erosion, sedimentation or geologic instability.

[Amended 1995, Ord. 2740]

23.07.100 - Historic Site (H):

The Historic Site combining designation is applied to areas of the county by the Official Maps (Part III) of the Land Use Element to recognize the importance of archeological and historic sites, structures and areas important to local, state, or national history. Specific areas are also designated as Archaeologically Sensitive Areas on the Official Maps (Part III) of the Land Use Element. These standards apply to both these combining designations and 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 such resources. The requirements of this title that apply to historic and archeological sites are organized into the following sections (additional standards regarding the discovery of archeological resources during construction are in Section 23.05.140):

23.07.101 Minimum Parcel Size
23.07.102 Permit and Processing Requirements
23.07.104 Archaeologically Sensitive Areas

23.07.101 - Minimum Parcel Size: The minimum size for a new parcel with an established structure and Historic Site combining designation shall be determined by Development Plan. 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.

a. **Application content.** The Development Plan 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.

b. **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 Sections 23.04.020 et seq. for the applicable land use category.

c. **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 Sections 23.04.020 et seq. 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.

d. **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 Sections 23.04.020 et seq. 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 of Supervisors.

e. **Required findings.** No parcel smaller than the minimum parcel size or what would otherwise be required by Sections 23.04.020 et seq. 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 Section 23.04.044, 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 2004, Ord. 3001]

23.07.102 - Permit and Processing Requirements: The following standards apply to all development proposals within an Historic Site combining designation.

a. **Minor Use Permit required.** Minor Use Permit approval is required for all new structures and uses within an Historic Site combining designation, and also for any modifications to existing historic structures within an Historic Site 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.

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

c. **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.

d. **Required findings for approval.** A land use permit application within an Historic Site combining designation shall be approved only where the review authority first makes all the following findings:

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

(i) 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;

(ii) 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;

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

23.07.104 - Archaeologically Sensitive Areas:

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

a. **Archaeologically sensitive areas.** The following areas are defined as archaeologically sensitive:

(1) Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

(2) Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

(3) Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

b. **Preliminary site survey required.** Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).

c. **When a mitigation plan is required.** If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the

resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the Review Authority.

d. Archeological resources discovery. In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

[Amended 1995, Ord. 2715; Amended 2004, Ord. 3048]

23.07.120 - Local Coastal Program Area (LCP):

The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

23.07.160 - Sensitive Resource Area (SRA):

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas 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, and, where applicable, to satisfy the requirements of the California Coastal Act. The requirements of this title for Sensitive Resource Areas are organized into the following sections:

23.07.162 Applicability of Standards
23.07.164 SRA Permit and Processing Requirements
23.07.166 Minimum Site Design and Development Standards
23.07.170 Environmentally Sensitive Habitats
23.07.172 Wetlands
23.07.174 Streams and Riparian Vegetation
23.07.176 Terrestrial Habitat Protection
23.07.178 Marine Habitats

[Amended 2004, ord. 3001]

23.07.162 - Applicability of Standards:

The standards of Sections 23.07.160 through 23.07.166 apply to all uses requiring a land use permit that are located within a Sensitive Resource Area combining designation.

23.07.164 - SRA Permit and Processing Requirements:

The land use permit requirements established by Chapters 23.03 (Permit Requirements), and 23.08 (Special Uses), are modified for the SRA combining designation as follows:

a. **Initial submittal:** The type of land use permit application to be submitted is to be as required by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards. That application will be used as the basis for an environmental determination as set forth in subsection c of this section, and depending on the result of the environmental determination, the applicant may be required to amend the application to a Development Plan application as a condition of further processing of the request (see subsection d).

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

c. **Environmental determination:**

(1) When a land use permit application has been accepted for processing as set forth in Section 23.02.022 (Determination of Completeness), it shall be transmitted to the Environmental Coordinator for completion of an environmental determination pursuant to the California Environmental Quality Act (CEQA).

(2) The initial study of the environmental determination is to evaluate the potential effect of the proposed project upon the particular features of the site or vicinity that are identified by the Land Use Element as the reason for the sensitive resource designation.

(3) Following transmittal of an application to the Environmental Coordinator, the Planning Department shall not further process the application until it is:

(i) Returned with a statement by the environmental coordinator that the project is exempt from the provisions of CEQA; or

(ii) Returned to the Planning Department accompanied by a duly issued and effective negative declaration which finds that the proposed project will create no significant effect upon the identified sensitive resource; or

(iii) Returned to the Planning Department accompanied by a final environmental impact report approved by the Environmental Coordinator.

d. Final permit requirement and processing:

(1) 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.

(2) If an environmental impact report is required, the project shall be processed and authorized only through Development Plan approval (Section 23.02.034).

e. Required findings: Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

(1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.

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

(3) 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.

(4) 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.

[Amended 1995, Ord. 2715]

23.07.166 - Minimum Site Design and Development Standards:

All uses within a Sensitive Resource Area shall conform to the following standards:

a. 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 accordance with Section 23.08.180.

b. Shoreline areas shall 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 streambank, except where authorized through Development Plan 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. Special requirements for setbacks from wetlands, streams, and the coastline are established by Sections 23.07.172 through 23.07.178.

c. 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.

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

e. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

23.07.170 - Environmentally Sensitive Habitats:

The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title.

a. **Application content.** A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator that:

(1) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., an anadromous fish species or annual wildflower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures.

(2) Is complete, current, and meets established standards for report content and assessment methodology. Report standards shall be consistent with CEQA guidelines, and incorporate the recommendations of the California Coastal Commission, California Department of Fish and Game, U.S. Fish and Wildlife Service, Marine Mammals Commission, and National Marine Fisheries Service, as appropriate.

(3) Evaluates development proposed adjacent to environmentally sensitive habitats to identify significant negative impacts from noise, sediment and other potential disturbances that may become evident during project review.

(4) Identifies the biological constraints that need to be addressed in designing development that would fist avoid, then minimize impacts to ESHA. These identified constrains will be used by the County to evaluate, and require implementation of project design alternatives that result in impacts to ESHA being avoided and unavoidable impacts minimized. This shall also include assessment of impacts that may result from the application of fire safety requirements.

(5) Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.

(6) Critically evaluate "after-the-fact" permit applications where un-permitted development has illegally encroached into setback areas before off-site mitigation is considered. Evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation consisting of replacing the area of disturbance with like habitat at a minimum of 3:1 ratio shall be an additional requirement to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

b. **Required findings:** Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:

(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) The proposed use will not significantly disrupt the habitat.

c. **Land divisions:** No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.

d. **Alternatives analysis required.** Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. When the alternatives analysis concludes that a feasible and less environmentally damaging alternative does not exist, the bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects. If however, the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

e. **Development standards for environmentally sensitive habitats.** All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

(1) **Development within an ESHA.** In those cases where development within the ESHA cannot be avoided, the development shall be modified as necessary so that it is the least environmentally damaging feasible alternative. Development shall be consistent with the biological continuance of the habitat. Circumstances in which a development project would be allowable within an ESHA include:

i. **Resource dependent uses.** New development within the habitat shall be limited to those uses that are dependent upon the resource.

ii. **Coastal accessways.** Public access easements and interpretive facilities such as nature trails which will improve public understanding of and support for protection of the resource.

iii. **Incidental public services and utilities in wetlands.** Essential incidental public services and utilities pursuant to ESHA Policy 13 and CZLUO Section 23.07.172(e).

iv. **Habitat creation and enhancement.** Where the project results in an unavoidable loss (i.e., temporary or permanent conversion) of habitat area, replacement habitat and/or habitat enhancements shall be provided and maintained by the project applicant. Plans for the creation of new habitat, or the enhancement of existing habitat, shall consider the recommendations of the California Coastal Commission, the California Department of Fish and Game and/or U.S. Fish and Wildlife Service. Generally, replacement habitat must be provided at recognized ratios to successfully reestablish the habitat at its previous size, or as is deemed appropriate in the particular biologic assessment(s) for the impacted site. Replacement and/or enhanced habitat, whenever feasible, shall be of the same type as is lost ("same-kind") and within the same biome ("same-system"), and shall be permanently protected by a deed restriction or conservation easement.

v. **Restoration of damaged habitats.** Restoration or management measure required to protect the resource. Projects located within or adjacent to environmentally sensitive habitat areas that have been damaged shall be conditioned to require the restoration, monitoring, and long-term protection of such habitat areas through a restoration plan and a accompanying deed restriction or conservation easement. Where previously disturbed but restorable habitat for rare and sensitive plant and animal species exists on a site that is surrounded by other environmentally sensitive habitat areas, these areas shall be delineated and considered for restoration as recommended by a restoration plan.

(2) **Development in ESHA to avoid a takings.** If development in an ESHA must be allowed to avoid an unconstitutional taking, then all of the following standards shall apply with respect to such development:

i. **Avoidance of takings.** The amount and type of development allowed shall be the least necessary to avoid a takings.

ii. **Impacts avoided/minimized.** All development in and impacts to ESHA shall be avoided to the maximum extent feasible. Any unavoidable impacts shall be limited to the maximum extent feasible.

iii. **Mitigation required.** All adverse impacts to the ESHA shall be fully mitigated.

(3) **Steelhead stream protection: net loss stream diversions prohibited.** Diversions of surface and subsurface water will not be allowed where a significant adverse impact on the steelhead run, either individually or cumulatively, would result.

Diversion dams, water supply wells which tap the subflow, and similar water supply facilities which could significantly harm the steelhead run in any of these streams shall not be allowed.

Exceptions may be considered only where the impact cannot be avoided, is fully mitigated and no significant disruption would result. Techniques for impact avoidance include:

i. **Limiting diversions.** Limiting diversions to peak winter flows exceeding the amount needed to maintain the steelhead runs, with off-stream storage where year-round water supplies are desired.

ii. **Protecting water quality.** Treating diverted water after use, and returning it to the watershed of origin in like quantities and qualities; and

iii. **Supplementing flows.** Supplementing stream flows with water imported from sources that do not exacerbate impacts on steelhead or salmon runs elsewhere.

(4) **Other prohibited uses.** Prohibited development activities include:

i. **Placement of barriers to fish.** In-stream barriers to sensitive freshwater species migration, including types of dams not covered above, weirs, and similar obstacles which would substantially interfere with normal migration patterns, except where barriers cannot be avoided and impacts are mitigated to less than significant levels (e.g., with fish ladders or other effective bypass systems).

ii. **Destruction of rearing habitats.** Development which would cause loss of spawning or rearing habitat through flooding, siltation or similar impacts.

iii. **Disturbance or removal of native riparian vegetation on the banks of streams.** Locations constituting an exception to this requirement are:

a. In-between stream banks when essential for flood control purposes and no less environmentally damaging alternative is available to protect existing structures;

b. On roads, trails, or public utility crossings where vegetation removal cannot be avoided, and where there is no feasible alternative and no significant disruption would result; and

c. For native habitat restoration and protection projects.

iv. **Interference with fish migration.** Any other development activity that would raise overall stream temperatures to unfavorable levels, or that would interfere with normal fish migration and movement within the stream.

v. **Breaching.** Breaching of the beach berm, where such berm creates a coastal lagoon that provides summer rearing habitat for juvenile steelhead and/or other sensitive aquatic species. Exceptions shall be authorized only where such breaching represents the least environmentally damaging feasible alternative for relieving a flood hazard, public health hazard, or water pollution problem. In the event that a breach is authorized, it shall be conducted subject to the following standards:

a. Artificial breaching of a sand bar or beach berm containing a coastal lagoon is considered coastal development; therefore, a coastal development permit must be obtained prior to breaching activity.

b. As appropriate, permits for creek mouth breaching must also be obtained prior to commencement of any work from California Department of Fish and Game, the U.S. Army Corps of Engineers, the Monterey Bay National Marine Sanctuary (if applicable), the Regional Water Quality Control Board, and all other concerned agencies prior to the breaching. In many cases, the required coastal development permit must be obtained from the California Coastal Commission instead of, or in addition to, the County, because the lagoon/creek mouth will be located entirely or partially within the State's retained jurisdiction.

c. Because of the unique nature of individual creek mouth environments, breaching standards must be designed specifically for each location where breaching activity will occur.

d. Development of a creek mouth breaching plan for each site shall include consideration of the following:

1. Use of feasible available alternatives, to eliminate the practice of artificial breaching if possible.

2. Thorough study of affected rare, threatened, or endangered species and habitat, in particular, steelhead trout and tidewater goby.

3. Review of mitigation options as compensation for environmental damage caused by breaching.

4. Public access impacts.

5. Public health impacts.

6. Public safety impacts.

7. Review of historic and projected flooding of public and private properties, agricultural lands, and habitat.

8. Monitoring of lagoon and stream water quality.

9. Creation of a monitoring plan for each individual breaching incident, and a long-term monitoring plan to study lagoon health and the impacts of breaching on the lagoon.

(5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards).

(6) The use of invasive plant species is prohibited.

[Amended 2004, Ord. 2999; Amended 2006, Ord. 3082; Amended 2006, Ord. 3082; Amended April 2006, Ord. 3082]

23.07.172 - Wetlands.

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

a. **Location of development:** Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.

b. **Principle Permitted Uses in wetlands:** Hunting, fishing, wildlife management, education and research projects.

c. **Department of Fish and Game review.** The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.

d. **Wetland setbacks:** New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

(1) **Permitted uses within wetland setbacks:** Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

(i) Alternative routes are infeasible or more environmentally damaging.

(ii) Adverse environmental effects are mitigated to the maximum extent feasible.

(2) **Wetland setback adjustment:** The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:

(i) The site would be physically unusable for the principal permitted use unless the setback is reduced.

(ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.

(iii) That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.

(3) **Requirements for wetland setback adjustment:** Setbacks established that are less than 100 feet consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls. The adjustment shall not be approved until the approval body considers the following:

(i) Site soil types and their susceptibility to erosion.

(ii) A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland.

(iii) The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland.

(iv) Type and intensity of proposed development.

(v) Lot size and configuration and location of existing development.

e. Site development standards:

(1) **Diking, dredging, or filling of wetlands:** Diking, dredging, or filling activities in wetland areas under county jurisdiction shall be allowed only to the extent that they are consistent with Environmentally Sensitive Habitats Policy 13 of the San Luis Obispo County Coastal Plan Policies, and shall not be conducted without the property owner first securing approval of all permits required by this title. Mineral extraction is not an allowed use in a wetland.

[Amended April 2006, Ord. 3082]

(2) **Vehicle traffic:** Vehicle traffic from public roads shall be prevented from entering wetlands by vehicular barriers, except where a coastal accessway is constructed and designated parking and travel lanes are provided consistent with this title. The type of barrier and its proposed location shall be identified in the materials accompanying an application for a land use permit and must be approved by the Planning Director before permit issuance to insure that it will not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland.

(3) **Open space easement required:** A land use or construction permit for a structure larger than 1000 square feet in floor area shall not be approved on a parcel of one acre or larger that contains a wetland, unless the property owner first grants the county or an approved land trust an open space easement or fee title dedication of all portions of the site not proposed for development, as well as the entire wetland.

[Amended 2006, Ord. 3082]

23.07.174 - Streams and Riparian Vegetation:

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

a. **Development adjacent to a coastal stream.** Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

b. **Limitation on streambed alteration:** Channelization, dams or other substantial alteration of stream channels are limited to:

(1) Necessary water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes. (A 'necessary" water project is a project that is essential to protecting and/or maintaining public drinking water supplies, or to accommodate a principally permitted use as shown on Coastal Table "O" where there are no feasible alternatives.

(2) Flood control projects, including maintenance of existing flood control channels, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat;

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and California State Water Resources Control Board.

In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures where feasible, including but not limited to:

a. Avoiding the construction of hard bottoms;

b. Using box culverts with natural beds rather than closed culverts to provide for better wildlife movement; and

c. Pursuing directional drilling for pipes, cables, and conduits to avoid surface streambed disturbance.

c. **Stream diversion structures:** Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.

d. **Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback

will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.

(1) **Permitted uses within the setback:** Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

(i) Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.

(ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

(2) **Riparian habitat setback adjustment:** The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental effects are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

e. **Alteration of riparian vegetation:** Cutting or alteration of natural riparian vegetation that functions as a portion of , or protects, a riparian habitat shall not be permitted except:

(1) For streambed alterations allowed by subsections a and b above;

(2) Where an issue of public safety exists;

(3) Where expanding vegetation is encroaching on established agricultural uses;

(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;

(5) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(6) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174d(2) can be made.

[Amended 2004, Ord.2999]

23.07.176 - Terrestrial Habitat Protection:

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

a. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

b. **Terrestrial habitat development standards:**

(1) **Revegetation.** Native plants shall be used where vegetation is removed.

(2) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

(3) **Trails.** Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.

23.07.178 - Marine Habitats:

The provisions of this section are intended to preserve and protect habitats for marine fish, mammals and birds. Development within or adjacent to marine habitats is subject to the provisions of this section.

a. **Protection of kelp beds, offshore rocks, reefs and intertidal areas.** Development shall be sited and designed to mitigate impacts that may have adverse effects upon the habitat, or that would be incompatible with the continuance of such habitat areas.

b. **Siting of shoreline structures.** Shoreline structures, including piers, groins, breakwaters, seawalls and pipelines shall be designed or sited to avoid and to minimize impacts on marine habitats.

c. **Coastal access.** Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the appropriate agency shall take steps to mitigate these impacts, including limitations of the use of the coastal access.

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23.08.010 - Purpose: The purpose of this chapter is to establish special additional standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if the uniform standards of Chapter 23.04 and all other standards of this title are met. Such uses are defined as "S" and "S-P" uses by Coastal Table O, Chapter 7, Part I of the Land Use Element. It is the intent of this chapter to establish appropriate standards for permit processing, and the location, design, and operation of special uses, to avoid their creating unanticipated problems or hazards, and to assure they will be consistent with the general plan.

[Amended 1989, Ord. 2383; 1992, Ord. 2591]

23.08.012 - Applicability of Standards for Special Uses: Standards in 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, and all applicable planning area standards of the Land Use Element. Any land use subject to this chapter shall comply with the provisions of this chapter for the duration of the use.

a. **Conflicts with other provisions.** In cases where the provisions of this chapter conflict with other applicable requirements of this title or the Land Use Element, the following rules apply:

(i) If the standards of this chapter conflict with the provisions of Chapters 23.02, 23.03, 23.04, 23.05 or 23.06, these standards prevail, except as otherwise provided by Section 23.08.014.

(ii) If a use is subject to more than one section of this chapter, the most restrictive standards apply.

(iii) Where planning area standards (Part II of the Land Use Element or policies adopted as standards in the LCP Policies Document) conflict with the provisions of this chapter, the planning area standards or LCP Policies (as applicable) shall prevail.

b. **Exceptions to special use standards.** The standards of this chapter may be waived or modified through Development Plan 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 or modification of standards shall be granted through Development Plan approval (Section 23.02.034) only where the Planning 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 Development Plan approval by Section 23.02.034c(4) of this title.

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 23.01.045).

[Amended 1989, Ord. 2383; 1995, Ord. 2715]

23.08.014 - Permit Requirements For Special Uses: Any use of land identified as a Special ("S" or "S-P") Use by Coastal Table O, Part I of the Land Use Element shall be subject to the land use permit requirements established by this chapter unless specified otherwise in this chapter, or unless other permit requirements are set by applicable planning area (Part II of the Land Use Element), or combining designation standards (Chapter 23.07, Combining Designations).

Where Plot Plan approval is the land use permit required by this chapter and the proposed development is appealable to the Coastal Commission as provided by Section 23.01.043, Minor Use Permit approval (23.02.033) shall instead be required, except for secondary dwellings.

[Amended 1989, Ord. 2383; 1992, Ord. 2591; 2006, Ord. 3098]

23.08.020 - Accessory Uses (S-16): 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. The standards in the following sections apply to storage that is accessory to a principal use, and other accessory uses such as Home Occupations. (These uses are identified by Coastal Table O, Part I of the Land Use Element as S-16 uses). The special standards for accessory uses are organized into the following sections:

23.08.022	Establishment of an Accessory Use
23.08.024	Accessory Storage
23.08.030	Home Occupations
23.08.032	Residential Accessory Uses

[Amended 1992, Ord. 2591]

23.08.022 - Establishment of an Accessory Use: With the exception of dwellings in the Agriculture category (Section 23.08.167), an accessory use as defined in this chapter shall not be established unless a principal use has first been established on the site in accordance 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. 2591]

23.08.024 - Accessory Storage: Where the principal building or use on a site is some use 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 23.08.146, Storage Yards). A land use permit is not required to establish accessory storage except when subsections a. through f. of this section require 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 23.08.244 (Temporary 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 23.08.290 (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 for moving vans which may be parked for a single night at a site in a residential area where the contents of a dwelling are being moved.

(2) Commercial vehicles are to be stored in the Commercial Retail land use category in an enclosed building, screened parking or loading area, except as provided in items (3) and (4) below.

(3) Commercial or agricultural vehicles may be stored in the Commercial Service and Industrial categories without regulation other than the standards of Section 23.04.160 (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 pursuant to Chapter 8.24.

(1) **Vehicles under commercial repair.** The repair of vehicles is allowed only in the Commercial or Industrial categories as provided by the Land Use Element, 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 23.08.222 (Auto and Vehicle Repair and 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 23.08.097 (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 23.08.032c) is not subject to limitation on the number of vehicles.

d. **Fuel and explosives.** See Section 23.06.120 (Toxic and Hazardous Materials).

e. **Recreational vehicles and RV equipment.** The accessory storage of recreational vehicles (Rvs) 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 23.08.290 (Vehicle Storage); the storage of Mobilehomes is subject to Section 23.08.163f):

(1) **Number of vehicles allowed.** The number of RVs that may be stored accessory to a residential use is as follows:

(i) Recreation, Residential, Office and Professional, Commercial, 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.

(ii) Rural Lands and Residential Rural Categories: No more than 10 RVs 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 parked on public streets are regulated by Section 15.64.010 (Time Limits) of this Code.)

(3) **Use.** Stored vehicles are to be solely for the personal use of the property owner or residents of the site intended for accessory storage. Recreational vehicles are not to 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 include an area set aside for group RV storage for project residents subject to authorization granted as part of the approval of the overall project, or the same type of permit required for the overall project if the storage area is in addition to a previously approved project. Such 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 23.08.164e. Such 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, 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 23.08.097 (Recycling and Scrap).

(1) **Area occupied by stored materials.** Shall be limited to a maximum area as follows, based upon the size of the parcel where the storage is located, except that where such storage is entirely within a single building, no area limitation shall apply:

AREA OCCUPIED FOR STORED MATERIALS	
Parcel Size	Maximum Allowed Areas of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to one 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 23.08.146 of this chapter (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 pursuant to this section shall be enclosed within a six-foot high solid wood or masonry fence. This requirement may be waived through adjustment (Section 23.01.044) where the Planning 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) of this section. The outdoor storage of neatly-stacked, cut firewood for on-site domestic use only is not required to be fenced.

(4) **Location of storage.** Stored materials shall not be located within required front setback areas; or within required side setback areas within a Residential land use category.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.030 - Home Occupations: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services is subject to the standards of this section.

a. **Permit requirements.** Zoning Clearance, except for garage sales (see Section 23.08.030 g(1) following) which require no land use permit, and 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 23.08.024 - 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 Section 23.08.032c and Section 23.08.032g (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. On sites of less than one acre, if a garage is used for a home occupation, the garage door shall not be left open in order to conduct the home occupation business.

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 23.06.040 (Operational Standards - Noise).

f. **Limits on the kinds of home occupations allowable.** Subject to the rest of this section, allowable home occupations consist of:

(1) 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) 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) 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 pursuant to subsection g of this section.

(4) 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 23.06.040 - Exterior 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:

(1) 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; and

(2) Home distributors of cosmetics and personal or household products may supply other approved home occupation proprietors.

(3) The sale of animals in conjunction with an animal keeping operation approved pursuant to Section 23.08.046, where such sales are also approved pursuant to Chapter 9.04 of this code (Animal Regulations).

h. **Signing.** One non-illuminated identification sign with a maximum area of two square feet may be erected pursuant to Section 23.04.300 (Sign Regulations). 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.** Vehicles used and traffic generated by a home occupation shall not exceed the type of vehicles or traffic volume normally generated by a home in a residential neighborhood. All parking needs of the home occupation shall be met off the street. For purposes of this section, normal residential traffic volume means up to 10 trips per day. This subsection does not apply to garage or handcraft sales pursuant to subsection g(1).

[Added 1995, Ord. 2715; Amended 2004, Ord. 3001]

23.08.032 - Residential Accessory Uses: The standards of this section apply to the specific types of accessory structures listed. Residential accessory structures for the keeping of animals are subject to Section 23.08.046 (Animal Raising and Keeping).

a. **Permit requirement.** Plot Plan approval, unless the accessory structure is included among the structures authorized by the land use permit for the principal residential use, or where another permit requirement is specified by this section.

b. **Antennas.** Antennas (including dish antennas) for non-commercial TV and radio transmitting and/or receiving are subject to the following standards:

(1) **Permit requirement.** Zoning Clearance, except:

(i) As provided in subsections b(2) or b(3) of this section or antennas of excess height or in particular locations; and

(ii) 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 shall be no higher than 10 feet above the height of the tallest building on the site, except that:

(i) A height of up to 50 feet may be authorized by Minor Use Permit; and

(ii) Antennas higher than 50 feet may be authorized through Development Plan approval;

Provided that the approval body first finds that no broadcast reception is possible unless the antenna is higher than 10 feet above the building, and that the antenna at the approved height will not result in detrimental effects on the enjoyment and use of adjoining properties.

(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:

(i) **Setbacks.** Antennas shall not be located within required setback areas (Section 23.04.100 et seq.), except that placement in a side or rear setback may be authorized by Minor Use Permit if the approval body first finds that:

(a) No broadcast reception is possible in another allowed location; and

(b) The approved location of the antenna will not result in detrimental effects on the enjoyment and use of adjoining properties.

Specific setbacks for antennas higher than 10 feet above the building shall be determined through Minor Use Permit or Development Plan approval, as applicable.

(ii) **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:

(a) Other location on the roof determined by the Planning Director to not be visible from public streets or adjoining properties; or

(b) Another location on the roof authorized through Minor Use Permit approval, subject to the findings in subsections b(3)(i)(a) and (b) of this section.

(iii) **North Coast Planning Area.** North of Pico Creek, dish antennas and broadcast towers shall be located so that they will not be seen from State Highway Route 1.

c. **Garages:** A detached accessory garage shall not occupy more than 1,000 square feet in area 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% of the site, whichever is smaller. Larger greenhouses are subject to Section 23.08.054 (Nursery Specialties) where allowed by the Land Use Element.

e. **Guesthouses / Home Office:** A guesthouse (sleeping/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:**

(i) A guesthouse may contain living area, a maximum of two bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse 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.

A home office may contain the same facilities as a guesthouse. This includes the restriction on containing or designing to accommodate cooking or laundry facilities separate from the principal residence. The home office shall not be used for residential occupation independent from the principal residence or as a dwelling unit for rental.

(ii) A guesthouse/home office shall not be allowed on any site containing a secondary dwelling established pursuant to Section 23.08.169 of this title.

(iii) A guesthouse/home office in the Residential Multi-Family land use category shall satisfy the residential density provisions of Section 23.04.084 (Multi-Family Dwellings).

(iv) A guesthouse/home office shall not be provided an electric meter separate from the principal residence.

(2) **Permit requirement:** Plot Plan approval.

(3) **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 23.04.100 - Setbacks).

(4) **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 23.04.190a(5) (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 23.08.030).

(2) **Floor area.** A workshop is not to 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. of this section applies.

[Amended 1989, Ord. 2383; 1992, Ord. 2591; 1995, Ord. 2740; 2004, Ord. 3001]

23.08.040 - Agricultural Uses - Specialized (S-3): Specialized agricultural uses other than crop production which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041	Agricultural Accessory Structures
23.08.042	Agricultural Processing Uses
23.08.045	Aquaculture
23.08.046	Animal Raising and Keeping
23.08.048	Farm Equipment and Supplies
23.08.050	Interim Agricultural Uses (S-18)
23.08.052	Specialized Animal Facilities
23.08.054	Nursery Specialties
23.08.056	Roadside Stands

23.08.041 - Agricultural Accessory Structures:

a. **Limitation on use.** It shall be unlawful and a violation of this code for any person to use any structure approved pursuant to this section as an agricultural accessory structure (e.g., a barn, shop, etc.) 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 pursuant to Land Use Ordinance Section 22.01.031f before the effective date of this title, 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 (Building and Construction Ordinance) for a dwelling.

b. **Limitation on location - Prime soils.** Any agricultural accessory structure shall also satisfy the requirements of Section 23.08.167 for the location of dwellings on prime soils, in addition to all other applicable provisions of this section and this title.

c. **Permit requirement.** Zoning Clearance.

d. **Timing.** Where a parcel proposed as the site of an agricultural accessory structure is less than 10 acres, an agricultural accessory structure is to be established only after a principal use has first been established on the site.

e. **Minimum site area.** An agricultural accessory structure is not to be established on a lot with an area less than one acre.

f. **Front setback.** 50 feet, unless a greater setback is otherwise required by Section 1108(b) of Appendix Chapter 11 of the Uniform Building Code.

g. **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 1989, Ord. 2383; 1992, Ord. 2591; 1995, Ord. 2715]

23.08.042 - Agricultural Processing: Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

a. **General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

b. **Application content.** Applications for agricultural processing uses within an urban or village reserve line, 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 Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

c. Minimum site area. No minimum required.

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.

(i) Permit requirement. Development Plan approval is required for facilities engaged in the processing and packing of animal-produced fertilizers in the Agriculture, Rural Lands, Residential Rural and Commercial Service categories.

(ii) 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.

(iii) Setbacks. 200 feet from each property line.

(2) Wineries.

(i) Permit requirements. As provided by Sections 23.03.040 et seq. (Permit Requirements - Industrial Uses), provided that Minor Use Permit approval is required where on-site public tours, tasting or retail sales are provided.

(ii) Access location. The principal access driveway to a winery with public tours, tasting or retail sales is to be located on or within one mile of an arterial or collector.

(iii) 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.

(iv) Liquid waste disposal. Standards will be set, where applicable, through Regional Water Quality Control Board discharge requirements developed pursuant to Section 23.06.100 (Water Quality).

(v) Setbacks. 100 ft. from each property line in rural areas; as required by Sections 23.04.100 et seq. in urban areas.

(vii) Signing. As provided by Sections 23.04.306b(1) and 23.04.310 of this title.

(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.

(i) Permit requirement. Minor Use Permit, unless Table 3-4 would set a higher permit level.

(ii) **Minimum site area.** Five acres.

(iii) **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.

(iv) **Setbacks.** Outdoor use areas and structures shall be 200 feet from each property line, and no closer than 500 feet to any residence outside the ownership of the applicant.

[Amended 1989, Ord. 2383; 1992, Ord. 2591; 1995, Ord. 2715; 1995, Ord. 2740]

23.08.045 - Aquaculture: The following standards apply to aquaculture uses:

a. **Permit requirement.** Development Plan approval.

b. **Coastal access.** Shall be provided as required by Section 23.04.420, including adequate provision for lateral beach access if channels or pipes cross potential accessways.

c. **Fencing and screening.** The requirements of Section 23.04.190 (Fencing and Screening), apply to aquaculture in all land use categories where such uses are allowed. Where visible from a public road, such uses shall be located to minimize visual impact.

d. **Required standards.**

(1) Facilities shall be designed and located so as to be of an appearance compatible with natural surroundings.

(2) Aboveground onshore facilities for aquaculture shall be screened from the view of public roads and adjoining parcels.

(3) Intake and outfall lines shall be placed underground except where underground installation is not feasible, as in the case of salmon culture.

(4) Facilities shall be sited and designed to prevent adverse impacts on agricultural land and environmentally sensitive habitats.

(5) Natural vegetation buffer areas shall be maintained to protect riparian habits.

[Amended 1992, Ord. 2591]

23.08.046 - Animal Raising and Keeping (S-3): The raising or keeping of animals as either an incidental or principal use shall comply with the requirements of this section, except for pet stores (which are included under the Land Use Element definition of General Merchandise Stores and are instead subject to the provisions of Chapters 23.03 (Permit Requirements) and 23.04 (Site Design Standards) of this title). Certain specialized structures and facilities for animals (including animal hospitals, kennels, feed lots, fowl, poultry, hog or horse ranches) may also be subject to the requirements of Sections 23.08.041 (Agricultural Accessory Structures) or 23.08.052 (Specialized Animal Facilities), as applicable.

a. **Purpose.** It is the purpose of these regulations to limit under specified circumstances the number of animals allowed and the methods by which domestic, farm and exotic animals are kept on private property. It is the intent of this section to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of such animals. Such 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. **Limitation on use.** Animal raising or 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 conjunction with an approved residential use; and

(2) Specialized Animal Facilities allowed pursuant to Section 23.08.052; and

(3) Interim Agricultural Uses pursuant to Section 23.08.050.

c. **Permits and applications.**

(1) **Permit requirements.** None, except as otherwise set forth in subsection f. of this section for specific types of animals, or as required by other provisions of this code for structures used to enclose or house animals; however, a Minor Use Permit shall be required for development within Sensitive Resource Areas for all new animal raising and keeping activities or facilities, except where such activities or facilities are associated with the production of agricultural products (as defined by Section 23.11.030 of this title). All animal raising activities in the unincorporated areas of San Luis Obispo County 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 Sections 23.02.030 (Plot Plan) et seq. of this title:

(i) Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.

(ii) The applicant's plans for animal waste disposal including plans showing measures to confine runoff, adequate capacities to allow for proper wastewater disposal, and measures to prevent seepage to groundwater.

(iii) 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.

d. **Site requirements.** Animal raising and keeping pursuant to this section shall occur only on sites which satisfy the following standards, except for the keeping of household pets as set forth in subsection f(10) of this section:

(1) **Minimum site area.** One acre, unless otherwise provided in subsection f. of this section for a specific animal raising activity.

(2) **Setbacks required.**

(i) **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 23.08.041 (Agricultural Accessory Structures), except as otherwise provided in subsection f. of this section.

(ii) **Outdoor animal enclosures.** Corrals, paddocks, pens and other outdoor animal enclosures shall be located as required by the following setbacks:

(a) **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.

(b) **Setback from streets**. As required by Sections 23.04.108 and 23.04.110, 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 set-backs 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.

(c) **Setback for specific animals**. Where subsection f. of this section requires a specific setback for a particular animal species, the subsection f. setback shall prevail.

e. **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 or polluted runoff 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 as set forth in Chapter 23.10 of this title (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 23.06.040c et seq of this title.

f. Specific animal standards. The following requirements apply to the keeping or raising 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 g. of this section. Where this subsection limits the number of animals allowed on a site, such limitations shall not apply to unweaned offspring.

(1) Animal husbandry projects. Notwithstanding the other provisions of this section except the limitations on use in subsection b. and the maintenance and operational standards of subsection e., 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 following standards:

(i) Minimum site area: 6,000 square feet for small animals (rabbits, chickens, etc.); 12,000 square feet for small hoofed animals; one acre for horses or cattle.

(ii) 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 raising. Permit requirements and standards for bee raising activities shall be as specified by Chapter 5.04 of this code (Bees).

(3) Birds. The following standards apply to the keeping of domestic or exotic birds other than poultry or game fowl, which are instead subject to subsection f(5) of this section:

(i) Permit requirement. None for 20 or fewer birds; Minor Use Permit approval for more than 20 birds, or in any case where birds are being kept for commercial purposes. Applicants should be advised that the keeping of imported birds may also 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.

(ii) Minimum site area. None for 20 or fewer birds, 6,000 square feet for more than 20.

(4) Cattle.

(i) 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 f(4)(ii) below. The keeping of cattle at four or more per acre for more than 45 days is considered a feedlot and is subject to Section 23.08.052b.

(ii) 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 23.08.052c.

(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 23.08.052d (Fowl and Poultry Ranches).

(i) **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.

(ii) **Permit requirement.** No permit required for 20 or fewer birds; Plot Plan approval for 21 to 99; Minor Use Permit for 100 or more.

(iii) **Minimum site area.** Except as provided in subsection f(5)(i) above, no minimum site area is required where 20 or fewer fowl or poultry are kept; a minimum of one acre is required for more than 20.

(iv) **Enclosure required.** All mature fowl and poultry shall be contained in coops or pens and not allowed free run of a site.

(v) **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.

(6) **Fur-bearing animals.** The raising of mink, chinchillas or other animals of similar size are subject to the same standards as those required for rabbits by subsection f(11) of this section, and the following:

(i) **Setbacks.** Enclosures for the keeping of animals shall be located no closer than 200 feet from any dwelling other than those on the site.

(ii) **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. Raising goats or sheep in the Agriculture or Rural Lands categories is not subject to the provisions of this title.

(8) **Hogs and swine.**

(i) **Limitation on use.** The raising or keeping of hogs and swine is prohibited in the Residential Single Family category, except as otherwise provided by subsection f(1) of this section.

(ii) **Permit requirement.** None on sites of five acres or larger; Plot Plan approval on sites less than five acres.

(iii) **Minimum site area.** 2-1/2 acres.

(iv) **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 23.08.052e (Hog Ranches).

(v) **Setbacks.** Animal enclosures shall be located no closer than 100 feet from any dwelling other than those on the site.

(9) **Horses.** The provisions of this subsection apply to the keeping of less than 30 of any member of the horse family, including but not limited to donkeys and mules. The keeping of 30 or more horses, or the establishment of equestrian facilities including boarding stables, riding schools and academies, and horse exhibition facilities, are subject to Section 23.08.052f. The keeping of horses for commercial purposes is also subject to the provisions of title 9 of the County Code.

(i) **Permit requirement.**

(a) **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.

(b) **Other land use categories, smaller sites.** In other than the Agriculture and Rural Lands categories (and in those categories on parcels less than 20 acres), no permit required for one to 14 horses; Plot Plan approval for 15 to 29.

(ii) **Animal density - Residential Single Family.** The maximum number of horses allowed is one per acre of site area in the Residential Single Family category.

(iii) **Animal density in other than Residential Single Family.**

(a) **Residential Suburban category.** Three horses per acre are allowed in the Residential Suburban category.

(b) **Parcels less than five acres.** Three horses per acre may be kept on parcels less than five acres in allowed land use categories.

(c) **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 23.08.052f of this title.

(10) **Household pets.** The keeping of common household pets, including but not limited to cats, dogs, and birds (when kept within the house), is not regulated by this title except when four or more dogs four months of age or older are kept, or four or more cats are kept for commercial purposes, in which case such animal raising or keeping is subject to Section 23.08.052g (Kennels) and any applicable provisions of Title 9 of this code (Animals).

(11) **Rabbits and rabbit farms.** The raising or keeping of 20 or more rabbits or the rasing and keeping of rabbits for commercial purposes is subject to the following standards. The raising or keeping of fewer than 20 rabbits not for commercial purposes is subject only to the requirements of subsections b. through e. of this section.

(i) **Permit requirement.** No permit requirement in the Agriculture or Rural Lands land use categories or on parcels of five acres or larger; Plot Plan approval elsewhere or where the raising and keeping is for commercial purposes.

(ii) **Minimum site area.** None required for fewer than 20 animals; one acre for 20 or more.

(iii) **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.

(12) **Worm farms.** The raising of worms is allowed on parcels of 20,000 square feet or more, without permit approval.

(13) **Zoo animals.** The raising or keeping of animals other than those specified in subsections f(1) through f(12) of this section that are common to zoos, are carnivorous, poisonous or are not native to North America are subject to the provisions of Section 23.08.052h, except that:

(i) Where the subject 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 Planning 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 f(2) through f(12) of this section.

(ii) In such case, the raising or keeping of the particular exotic animal may be allowed subject to the specific provisions of subsections f(2) through f(12) identified by the Planning Director.

g. **Multiple animal types.** More than one species of the animals listed in subsection f. of this section may be kept on a single site provided that:

(1) The requirements of subsection f. and all other applicable provisions of this section are satisfied for each species, except as provided in following subsections g(2) and g(3).

(2) Where subsection f. of this section 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 f., 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 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.)

[Amended 1992, Ord. 2591; 2004, Ord. 3001]

23.08.048 - Farm Equipment and Supplies: Retail establishments selling farm equipment and supplies as defined by the Land Use Element are allowable in the Agriculture, Rural Lands and Residential Rural Categories subject to the following:

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 Minor Use Permit approval; and in the Residential Rural category subject to Development Plan 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 Plot Plan approval.

(2) Products other than hay and feed. Farm equipment and supplies sales which offer more than hay and feed are subject to Development Plan 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 are to be located on a collector or arterial.

c. Minimum site area. None required.

d. Setbacks. As set forth in Section 23.08.041 (Agricultural Accessory Structures).

e. Parking. To be provided as set forth in Section 23.04.160, 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 are to be sufficiently large to enable customer vehicles to turn around before exiting the site.

[Amended 1992, Ord. 2591]

23.08.050 - Interim Agricultural Uses (S-18): This section applies to crop production and grazing activities identified as S-18 uses (See Coastal Table O, Part I of the Land Use Element), 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 23.08.046 (Animal Raising and 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 are not to be established within an urban or village reserve line after the effective date of this title, except in an Agriculture category, or a Residential Suburban category where such operations are in conformity with the provisions of Section 23.08.046 (Animal Raising and Keeping), or on sites of 20 acres or larger.

[Amended 1992, Ord. 2591]

23.08.052 - Specialized Animal Facilities: Certain facilities and structures included under the definition of "Animal Raising and Keeping" in Section D, Chapter 7, Part I of the Land Use Element which are used in support of the raising or keeping of animals are also 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 Administrative Code.

a. **General standards.** All the specific uses addressed by subsections b. through g. of this section, and any other uses included under the definition of Specialized Animal Facilities by Coastal Table O, Part I of the Land Use Element, are subject to the following standards, and the provisions of Sections 23.08.046d and e., except where otherwise provided in subsections b. through g.

(1) **Permit requirement.** Development Plan approval, except as otherwise provided in subsections b. through g. of this section.

(2) **Application content.** Permit applications required by this section shall include all information specified by Sections 23.02.030 et seq. of this title, all information specified by Section 23.08.046c, and a description of measures proposed for rodent and vector control, which shall be approved by the Agricultural Commissioner and Health Department.

(3) **Conditions of approval.** Approval of a Minor Use Permit or Development Plan for a specialized animal facility shall include such conditions as are necessary to assure sanitary operations which will not create a nuisance or health hazard.

(4) **Parking requirements.** Except where specific parking requirements are set through Minor Use Permit or Development Plan approval, no improved parking is required, provided that sufficient usable area is made available to accommodate all employee and user vehicles entirely on the site.

(5) **Maintenance and operational standards.** The Specialized Animal Facilities allowed pursuant to this section are subject to the same maintenance and operational standards as are applied by this title to animal raising and keeping by Section 23.08.046e, except where Minor Use Permit or Development Plan approval imposes conditions of approval that authorize alternative measures.

(6) **Animal Density.** There is no limitation on the number of animals that may be kept on a site approved for a specialized animal facility pursuant to 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) **Limitation on use.** Animal hospitals and veterinary medical facilities are not allowed in the Residential Suburban and Residential Single Family land use categories.

(2) **Permit requirement.** As required by Chapter 23.03 of this title in the Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities categories; Minor Use Permit in other allowed categories, except Residential Rural, where Development Plan approval is required.

(3) **Minimum site area.** 6,000 square feet in the Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities categories; one acre in other allowed categories.

(4) **Site requirements.**

(i) **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 23.04.100 et seq. (Setbacks).

(ii) **Access.** From a paved, publicly maintained road.

(iii) **Enclosure required.** When located in an Office and Professional, Commercial Retail or Commercial Service category, all veterinary activities shall be conducted entirely within a building.

(5) **Operation.**

(i) 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.

(ii) 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) **Limitation on use.** Beef and dairy feedlots may be allowed only within the Agriculture, Rural Lands and Industrial land use categories.

(2) **Minimum site area.** 20 acres.

(3) **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.

(4) **Access.** From an all-weather road or railroad spur.

(5) **Waste disposal.** To be in accordance with discharge requirements established pursuant to Section 23.06.100 (Water Quality), and any requirements of the Health Department.

(6) **Additional notice.** The public notice required for a hearing on a Development Plan by Section 23.01.060 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(4) through c(6) of this section and the following:

(1) **Limitation on use.** Fowl and poultry ranches are not allowed within Recreation, Residential Single Family or Commercial land use categories.

(2) **Permit requirement.** Minor Use Permit.

(3) **Minimum site area.** 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. of this section, and the location requirement that 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 23.08.046f(9)(ii), 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 the following standards:

(1) **Permit requirement.** Minor Use Permit; except that Development Plan approval is required within the Residential Single Family category.

(2) **Minimum site area.** 10 acres, except where a smaller site area is authorized through Development Plan approval.

g. **Kennels.**

(1) **Limitation on use.** Kennels in the Recreation, and Residential Single Family categories are limited to noncommercial kennels as defined by Section 9.04.110(t) of the County Code.

(2) **Permit requirement.** As required by Chapter 23.03 of this title. In addition, licensing of all kennels by the county Tax Collector is required by Section 9.04.120 of this code.

(3) **Minimum site area.** 2-1/2 acres in Residential Rural and Suburban 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.

(4) **Site design.**

(i) **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 23.04.100 (Setbacks).

(ii) **Access.** None, where no on-site boarding or sale will occur. Where on-site boarding and sales <u>will</u> occur the following access standards apply:

(a) When located in the Residential Suburban and Single-Family, Recreation, Office and Professional, Industrial, and Commercial Retail and Service land use categories, access is to be provided from a paved, publicly maintained road.

(b) When located in the Agriculture, Rural Lands or Residential Rural land use categories, access is to 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.

(iii) **Enclosure required.** When located in an Office and Professional or Commercial category, all kennel activities shall be conducted entirely within a building.

(5) **Operation.** Kennels are subject to the same operation standards as are required for animal hospitals by subsection b(5) of this section.

h. **Zoos.** The raising or keeping of animals for public display or the private raising or keeping of zoo animals (pursuant to Section 23.08.046f(13) is subject to the following standards:

(1) **Limitation on use.** Zoos may be allowed only in the Recreation or Public Facilities land use categories; the private keeping of zoo animals may be allowed in all land use categories where specialized animal facilities are allowed by the Land Use Element except Residential Suburban and Residential Single Family.

(2) **Permit requirement.** Development Plan approval for zoos where animals are on public display; Minor Use Permit for the private raising or keeping of zoo animals.

[Amended 1992, Ord. 2591; 1995, Ord. 2740; 2004, Ord. 3001]

23.08.054 - Nursery Specialties: These standards apply to the production and sale of ornamental plants and other nursery products:

a. **Limitations on use.**

(1) **Residential categories.** Nursery specialty operation in the Residential Rural and Residential Suburban categories are limited to plant propagation, with no on-site retail sales except as provided by Sections 23.08.056 (Roadside Stands), and 23.08.142f (Seasonal sales). Greenhouses other than accessory greenhouses (Section 23.08.032d) are not allowed in the Residential Suburban category, unless authorized by Development Plan approval.

(2) **Commercial Retail category.** Nursery specialty establishments within a Commercial Retail category are to be limited to retail sales. 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. Outdoor retail sales in other locations on the site where such sales area is consistent with surrounding retail development may be approved with the required Minor Use Permit.

b. **Limitations on location.**

(1) **Greenhouses.** No greenhouse shall be constructed where the natural slope exceeds 15 percent.

(2) **Retail sales.** Nursery specialty operations engaging in retail sales in the Agriculture or Rural Lands categories shall be located on a collector or arterial road.

c. **Permit requirement.**

(1) **Outdoor plant propagation.** No permit required.

(2) **Greenhouses.** Minor Use Permit approval, which shall be subject to the Review Authority being able to make the following findings regarding the proposed project:

(i) The project has incorporated the following methods of water and energy conservation to the maximum extent feasible:

(a) Recycling of irrigation water.

(b) Use of drip irrigation systems.

(c) Construction of small off stream water reservoirs for water use during summer months.

(d) Passive solar or open ventilation systems.

(ii) All significant adverse impacts have been identified and mitigated.

(3) Retail sales.

(i) Agriculture and Rural Lands categories. No permit required if no structures are proposed to house product displays or sales activities, and all products sold are produced on-site. Roadside stands are subject to Section 23.08.056. Permanent retail facilities require Development Plan approval.

(ii) Commercial or Industrial categories. Minor Use Permit approval.

d. Minimum site area.

(1) Agriculture and Rural Lands. No minimum area.

(2) Residential Rural and Residential Suburban categories. No minimum area for outdoor plant propagation; one acre for greenhouse facilities, except accessory greenhouses (see Section 23.08.032).

(3) Commercial and Industrial categories. No minimum area.

e. Setbacks. As required by Section 23.08.041 (Agricultural Accessory Structures) unless the Uniform Building Code would require a larger setback due to construction materials or except where located in a commercial land use category and entirely within a building that is not a greenhouse.

f. Parking requirements.

(1) Nurseries with retail sales. One parking space shall be provided for each 500 square feet of floor area and each 1,000 square feet of outdoor use area. Parking lot intensity is medium; loading bay intensity is low.

(2) Nurseries without retail sales. None, provided that sufficient open area is provided to enable all employees, clients and wholesale customers to park all vehicles related to the use entirely on-site.

g. **Site design standards.** The provisions of Sections 23.04.180 (Landscape, Screening and Fencing) through 23.04.190 (Fencing and Screening) are applicable to greenhouse projects located within or adjacent to urban and village reserve lines.

h. **Special standards - greenhouses that are not soil-dependent.** Greenhouses growing plants that do not require placement in native, prime soil and may require the use of impervious flooring are also subject to the following standards:

(1) The use of herbicides or soil sterilants under any paving is prohibited.

(2) As part of any drainage plan required by Section 23.05.042 (Drainage Plan Required), a method of runoff impoundment shall be included that will limit runoff to predevelopment levels unless the applicant can demonstrate that increased runoff will not cause erosion or be otherwise detrimental to downstream property.

(3) Run-off containing fertilizers or pesticides shall be stored on-site and shall not be released to any perennial or intermittent stream. Disposal of such run-off shall be in accordance with standards established by the U.S. Environmental Protection Agency and the California Regional Water Quality Control Board.

[Amended 1992, Ord. 2591; 1993, Ord. 2635; 1995, Ord. 2715; 2004, Ord. 3001]

23.08.056 - 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 23.08.048 (Farm Equipment and Supplies). Sales from vehicles are subject to Section 23.08.142e (Sales from individual vehicles), seasonal sales are subject to Section 23.08.142f (Seasonal Sales). The standards in Section 23.08.056 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 the County Health Department be contacted by the applicant as early as possible to determine if any additional standards apply.

a. **Limitation on use:**

(1) **Residential Suburban categories:** When temporary stands are located in the Residential Suburban categories, at least 50% 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%. 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% 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% 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 is to 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. Permit requirement:

(1) **Agriculture , Rural Lands, Residential Rural and Recreation categories:** Zoning Clearance approval for a temporary stand, Minor Use Permit approval for a permanent stand.

(2) **Residential Suburban category:** Minor Use Permit approval.

c. Location: A roadside stand in a residential category is to 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: To be limited to 500 square feet, which is to include the entire floor area of the structure, as well as any outdoor display area unless otherwise authorized by Minor Use Permit approval.

e. SETBACKS AND PARKING			
	FRONT	SIDE AND REAR	PARKING[1]
TEMPORARY STAND	10 foot minimum[2] **OR** 25 foot minimum[3]	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant[4]	3 off-street spaces
PERMANENT STAND	50 foot minimum	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 pursuant to Section 23.01.044 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 is to be surfaced with crushed rock, chip seal or paving.

f. **Parking:** Temporary stands are to provide three off-street spaces. Permanent stands are to provide five spaces, located in an off-street area accessed by a driveway a minimum of 18 feet wide. The parking area for a permanent stand is to be surfaced with crushed rock, chip seal or paving.

[Amended 1992, Ord. 2591; 1993, Ord. 2635; 1995, Ord. 2715; 2004, Ord. 3001]

23.08.060 - Cultural, Education and Recreation Uses (S-4): Any use identified by the Land Use Element as an allowable, S-4 use (see Table O, Part I of the Land Use Element), is subject to the provisions of the following sections:

23.08.062	Indoor Amusements and Recreation
23.08.064	Cemeteries and Columbariums
23.08.066	Churches and Related Activities
23.08.068	Drive-In Theaters
23.08.070	Outdoor Sports and Recreation
23.08.072	Rural Recreation and Camping
23.08.074	Schools and Preschools

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.062 - Indoor Amusements and Recreation: This section applies only to uses of this group that are specifically identified herein.

a. **Limitation on use - Office and Professional Category.** Indoor amusement and recreation 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.** Minor Use Permit approval, except where otherwise provided in subsection c. for a specific use.

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.

(i) **Limitation on use.** Arcades are allowable only in the Recreation and Commercial Retail land use categories.

(ii) **Location criteria.** Arcades are to be at least 1,000 feet from any elementary or secondary school site and at least 200 feet from any Residential land use category.

(iii) **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 so 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.

(iv) **Parking.** See Section 23.04.166c(3) of this Title.

(v) **Signs.** Arcades shall be posted with readily visible signs, with their location, size and text described in the 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.

(i) **Permit requirement.** Development Plan approval.

(ii) **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.

(iii) **Location criteria.** Card rooms are to 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.

(iv) **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, or Agriculture, Rural Lands or residential land use category.

(v) **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 23.02.034c(4) of this title, it makes the following findings of fact:

(a) The proposed use will not be contrary to the public interest or injurious to nearby properties.

(b) 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.

(vi) **Exceptions.** Alternatives to the location criteria of subsection c(2)(iii) of this section may be approved by the Planning Commission pursuant to Section 23.08.012. These standards are the only provisions of this section subject to such action.

[Amended 1992, Ord. 2591; Added 1995, Ord. 2715]

23.08.064 - Cemeteries and Columbariums:

a. **Permit requirement.** Development Plan approval for new facilities, Minor Use Permit for expansion of existing facilities.

b. **Minimum site area.** One acre for cemeteries; no minimum for a columbarium.

c. **Location.** On a collector or arterial road.

d. **Site design standards.**

(1) **Setbacks.** All structures and burial plots are to 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 is to be provided adjacent to all exterior lot lines.

(4) **Interment facilities.** All facilities for ground burial are to be designed and constructed in accordance with any requirements established by the Regional Water Quality Control Board (see Section 23.06.102 - Regional Water Quality Control Board Review).

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.066 - Churches and Related Activities: Religious meeting facilities and related activities are subject to the following standards:

a. **Permit requirement.** Development Plan approval.

b. **Location.** Within an urban or village reserve line, church facilities and related activities shall be located 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. Church facilities and related activities may be located on local roads in the Residential Rural and Rural Lands categories outside of urban and village reserve lines.

c. **Minimum site area.** 20,000 square feet.

[Amended 1992, Ord. 2591; 1995, Ord. 2688]

23.08.068 - Drive-In Theaters: The establishment of a drive-in theater is subject to the following provisions. (The use of a drive-in theater for a swap meet or flea market is subject to Section 23.08.144 - Sales Lots and Swap Meets):

a. **Permit requirement.** Development Plan approval.

b. **Location.** To be on a collector, arterial, or frontage road, provided that no drive-in theater site is to be located within 1,000 feet of a residential category.

c. **Access.** Entrance and exit driveways are to be located so that they are visible for at least 500 feet on the street where the driveways are located.

d. **Site design standards.**

(1) **Setbacks.** Theater projection screens and perimeter fencing are to be set back a minimum of 25 feet from any abutting street.

(2) **On-Site traffic control.** Drive-in theaters are to be provided internal circulation and traffic control devices as follows:

(i) **Access separation.** At least two access gates for the viewing area are to be provided, with one gate being available for emergency egress at all times.

(ii) **Stacking area.** An area is to be provided for cars waiting to purchase tickets, which is entirely contained on site. The stacking area is to be large enough to accommodate a number of cars equal to 15% of the theater's capacity. One ticket gate or booth is to be provided for each 300 cars' capacity.

(iii) **Directional signing.** Signs are to be provided to indicate entrance, exits and one-way driveways.

(3) **Projection screen orientation.** Drive-in theater projection screens are to be oriented so that the screen face is not visible at an angle greater than 30 degrees from any street within 1,000 feet of the screen.

(4) **Screening.** The parking/viewing area of a drive-in theater is to be screened with a 10-foot high solid wood, masonry, or non-reflective metal perimeter fence.

(5) **Landscaping.** The 25-foot setback required by subsection d(1) of this section is to be landscaped. Landscaping is to include trees capable of exceeding 15 feet in height, to be located at 50-foot intervals adjacent to the perimeter fence. Such trees may be located, at the option of the applicant, inside or outside the perimeter fence.

(6) **Parking.** Drive-in theaters are to provide one off-street parking space per employee.

(7) **Site surfacing.** All areas used by vehicles are to be surfaced with chip-seal or better.

(8) **Drainage.** Drainage facilities are to be provided pursuant to Section 23.05.040 (Storm Drainage), to enable temporary retention of storm water runoff on site.

(9) **Signing.** A maximum aggregate area of 80 square feet of signing is allowed, including a marquee or reader board, not to exceed a height of 12 feet.

e. **Equipment - loudspeakers.** Individual loudspeakers are to be provided for each car. There is to be no central loudspeaker; however, an outdoor speaker may be located at a snack bar if not operated at a sound level higher than 65db.

23.08.070 - Outdoor Sports and Recreation: Where identified as allowable, S-4 uses by Framework for Planning in the Land Use Element and Local Coastal Program (See Table O, Part I of the LUE), commercial or public outdoor athletic facilities, amusement parks, public parks, 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 and golf driving ranges. (Indoor athletic facilities are subject to Chapter 23.03 (Permit Requirements), Section 23.08.062 - (Indoor Amusements and Recreation) and other applicable provisions of this title other than those in this Section).

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.** An amusement park is not to be located in a residential category.

(2) **Permit requirement.** Development Plan approval.

(3) **Location.** On a collector or arterial roadway; not closer than 1,000 feet to a residential category.

(4) **Minimum site area.** One acre.

(5) **Site design standards.**

(i) **Setbacks.** All amusement park facilities are to be set back a minimum of 25 feet from street frontage property lines, and 10 feet from all interior lot lines.

(ii) **Landscaping.** 25% of an amusement park site is to be landscaped, including all required setbacks which are to be provided with screening plant materials.

(iii) **Fencing.** Amusement park sites are to be enclosed by a six foot high fence, which may be chain link, and which is to 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) **Permit requirement.** Minor Use Permit approval in the Recreation, Commercial Service, Commercial Retail and Public Facilities categories; Development Plan approval in residential categories.

(2) **Location.** When proposed in a residential category, an outdoor athletic facility is to be located on a collector or arterial roadway. An outdoor athletic facility may be located on a local street in the Recreation, Commercial Service or Public Facilities categories.

(3) **Minimum site area.** One acre, unless otherwise provided in subsection b(5) of this section for a specific facility.

(4) **Setbacks.** The following setbacks apply to all athletic facilities approved under this section; except where such facilities are located adjacent to a lake or ocean coastline, the normal setbacks of Section 23.04.100 apply:

MINIMUM SETBACK FROM ALL PROPERTY LINES (in feet)		
Facility	Un-lit	With Night Lighting
Baseball diamond	50	100
Basketball court	50	100
Game courts for less than 10 participants	25	50
Golf course fairways	25	50
Golf course greens	0	50
Handball courts	50	100
Picnic areas:		
Unimproved	25	50
Tables & Cooking	50	100
Swimming pools	50	100
Tennis courts	50	100
Volleyball courts	50	100

(5) **Specific use standards.**

(i) **Golf driving ranges.** Facilities for the stationary driving of golf balls to achieve maximum distance shall not be located in a residential category.

(ii) **Swim and racquet clubs.** May include spectator facilities if authorized by Development Plan approval.

(iii) **Swimming pools.** Public or membership use swimming pools are to 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, children's playgrounds, and public parks as principal uses are subject to the following:

(1) Permit requirement. Minor Use Permit approval.

(2) Setbacks.

(i) Children's playgrounds. 50 feet.

(ii) Other park facilities. As set forth in Subsection b(4) of this section.

(iii) Buildings. Set forth in Section 23.04.100-118 (Yards).

(3) Minimum site area. None Required.

d. Recreation equipment rental.

(1) Limitation on use. Recreation equipment rental shall be allowed only in the Recreation, Commercial Retail and Commercial Service categories, with motorized equipment rental allowed only in Recreation and Commercial Service categories. Recreation equipment rental is not allowed as a temporary use. A proposed site must also qualify for use as a storage yard and sales lot pursuant to Table O, Part I of the Land Use Element to enable storage or rental transactions of recreational equipment to occur outdoors.

(2) Permit requirement. Development Plan approval for motorized equipment rental; as required by Section 23.03.040 (Permit Requirements) for other uses. In addition to other relevant issues, Development Plan shall consider the effects of motorized recreation equipment on proposed or likely areas of use.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.072 - 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 23.08.266 (Recreational Vehicle 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. In addition to a Health Department permit as required by Chapter 8.62 of the County Code, camping facilities are subject to the following:

(i) **Organizational camps.** Development Plan approval.

(ii) **Incidental camping.** Minor Use Permit approval.

(3) **Minimum site area.** As specified in Section 23.04.020 (Parcel Size).

(4) **Density.** To be set by the Review Authority where Development Plan 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 are to 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 is to be determined by the Development Plan approval.

(7) **Access.** All-weather access is to be provided to the site.

(8) **Allowed facilities.** Camps established pursuant to this section may include the following facilities in addition to tent camping areas, based on the type of camp:

(i) **Organizational camps.** Cabins; meeting hall; swimming pool; permanent restroom facilities; accessory and storage buildings.

(ii) **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 are to be provided as required by the Health Department.

(10) **Required findings - incidental camping.** A land use permit for incidental camping is to be approved only where the Review Authority first finds that:

(i) The proposed use will not affect the continuing use of the site as a productive agricultural unit providing food or fiber; and

(ii) 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 such facilities are to 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.** Development Plan 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 Planning Commission may reduce the minimum site area as part of the Development Plan approval.

(5) **Setbacks.** All facilities are to 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) is not to exceed 2% of the total site area.

(7) **Lodging facilities.**

(i) **Type of facilities allowed.** Dude ranch facilities may be authorized by the Planning Commission to be attached, motel-type units or detached cabins, provided that they include no cooking or eating facilities.

(ii) **Occupancy.** Lodging facilities are to be rented only to guests which will also utilize other dude ranch facilities. Dude ranch lodgings are not to be used for RV park or motel-type overnighters.

(iii) **Density.** The density of guest lodgings is to be established by the Planning 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 is to 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 Development Plan approval.

(9) **Required findings.** A Development Plan for a dude ranch in the Agriculture land use category is to be approved only where the Planning Commission makes the following findings in addition to those required by Section 23.02.034c(4):

(i) The proposed use will not substantially affect the continuing use of the site as a productive agricultural unit providing food or fiber; and

(ii) 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 23.02.034c(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. Development Plan approval, in addition to a Health Department permit as required by Chapter 8.60 of this 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 are to 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 is to be in accordance with requirements established by the Health Department, and by the Regional Water Quality Control Board pursuant to Section 23.06.102 (Regional Water Quality Control Board Review).

d. Hunting and fishing clubs.

(1) Limitation on use. Hunting and fishing clubs are to be located only in the Agriculture, Rural Lands and Recreation categories.

(2) Permit requirement. Minor Use Permit approval.

(3) Location. Hunting activities are to 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 are to 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 23.04.100 (Setbacks) or other provisions of this chapter.

[Amended 1992, Ord. 2591; 1993, Ord. 2635; 1995, Ord. 2715]

23.08.074 - Schools and Preschools: The provisions of this section apply to preschools and public and private schools providing instruction for preschool through 12th grade children; schools providing specialized education and training, where identified by the Land Use Element as S-4 uses; and to preschools and other facilities including individual homes, where day-care services are provided to more than six children.

23.08.074

a. Elementary and high schools.

(1) Limitation on use. Schools in the Office and Professional category are limited to high schools.

(2) Permit requirement. Per Table 3-A, Section 23.03.040 et. seq.

(3) Location. No closer than 1,000 feet to an Industrial or Commercial Service category.

(4) Parking. Off-street parking is to 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 Section 23.04.160 (Parking) would require more spaces for an on-site auditorium, stadium, gymnasium or other public or sports assembly facility, the larger number of spaces is to be provided. For all school facilities, parking lot turnover is low; loading bay intensity is low.

b. Special Education and Training Schools. These standards apply to Special Education and Training Schools only where identified by the Land Use Element as S-4 uses.

(1) Limitation on use. Special 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) Permit requirement. As set forth in Section 23.03.040 (Permit Requirements).

(3) Parking. Off-street parking is to 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 Section 23.04.164c(3). Parking lot turnover is high; loading bay intensity is low.

c. Preschools and child day care. 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 which provides elementary school educational programs for non-resident children older than six years of age. Such facilities are instead subject to the provisions of subsection a. of this section. These standards do not apply to child day care facilities that are accessory and secondary in nature to an approved principal non-residential use.

(1) 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; Plot Plan or Minor Use Permit approval is required for facilities with seven to 12 children (Large Family Day Care Homes). However, if two of the children are six years of age or older, as allowed by California Health and Safety Code section 1597.41 (a) and (b), no permit is required for facilities with eight or fewer children (Small Family Day Care Homes) and Plot Plan or Minor Use Permit approval is required for facilities with nine to 14 children (Large Family Day Care Homes); these increases in the allowed number of children will be automatically repealed on January 1, 1996 unless a later enacted statute amending California Health and Safety Code section 1597.41 (a) and (b) deletes or extends that date.

Plot Plan approval is required where no public hearing is requested pursuant to subsection c(1) (ii) of this section. Where a public hearing is requested, a large family day care home shall be subject to Minor Use Permit approval and an additional fee in an amount equivalent to the difference between the fees for Plot Plans and Minor Use Permits shall be paid by the applicant. The Plot Plan shall be processed and approved pursuant to Section 23.02.030 of this title and the Minor Use Permit shall be processed and approved pursuant to Section 23.02.033 of this title, except as follows:

(i) **Public notice.** As required by California Health and Safety Code Section 1597.46(a)(3), the notice for a Plot Plan 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 23.02.033b(4)(i) of this title. Such notice shall be provided not less than 10 days before the date of action on the Plot Plan pursuant to Section 23.02.030d or action on the Minor Use Permit pursuant to Section 23.02.033c. The notice for a Plot Plan approval shall declare that the application will be acted on without a public hearing if no request for a hearing is made pursuant to subsection c(1)(ii) of this section.

(ii) **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 Plot Plan for a large family day care home, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Planning Director no later than 10 days after the date of the public notice provided pursuant to subsection c(1)(i) of this section. In the event a public hearing is requested, the large family day care home shall be subject to Minor Use Permit approval and the Planning Director shall provide notice of the public hearing for the Minor Use Permit pursuant to subsection c(1)(i) of this section.

(iii) **Permit approval.** As required by California Health and Safety Code Section 1597.46(a)(3), the Planning Director shall approve a Plot Plan 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.

(2) **Permit requirements - child care centers.** Except as set forth in subsection c(1) of this section, Development Plan approval is required for facilities with 13 or more children.

(3) **Site location.** Large family day care homes and child care centers shall be located only on sites which satisfy the following standards:

(i) **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.

(ii) **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.

(4) **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.

(5) **Parking and loading requirements.**

(i) **Large family day care homes.** An off-street drop- off area is to 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.

(ii) **Child care centers.** Parking and loading requirements shall be established through Development Plan approval.

(6) **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:

(i) Where such outdoor areas are located no closer than 100 feet from any dwelling other than that of the applicant; or

(ii) Where specifically authorized through Minor Use Permit or Development Plan approval.

[Amended 1992, Ord. 2591; 1994, Ord. 2694; 1995, Ord. 2715]

23.08.080 - Industrial Uses (S-5): Industrial uses and other activities identified as S-5 uses (see Coastal Table O, Part I of the Land Use Element) are subject to the provisions of the following sections:

23.08.082 Chemical Products
23.08.086 Food and Kindred Products
23.08.088 Fuel and Ice Dealers

23.08.094 Petroleum Refining and Related Industries, and Marine Terminals and Piers
23.08.097 Recycling and Scrap
23.08.098 Recycling Collection Stations

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.082 - Chemical Products:

a. Permit requirement. Minor Use Permit approval, unless a Development Plan is otherwise required by Section 23.03.042 (Permit Requirements - Manufacturing and Processing Uses), or by subsection d. of this section for a specific use.

b. Location. A chemical product manufacturing facility is to 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 of this section.

d. Specific use standards.

(1) Corrosive and toxic chemicals. The manufacture of corrosive or toxic chemicals such as acids, ammonia, herbicides and insecticides is subject to Development Plan approval.

(2) Explosives manufacture. The manufacture of explosives is subject to the following standards.

(i) Permit requirement. Development Plan approval.

(ii) Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

(iii) Minimum site area. 20 acres.

(iv) Storage. The storage of explosives is to be in accordance with Section 23.06.120 (Toxic and Hazardous Materials).

(3) Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorine and hydrogen, are subject to the special standards for explosives in subsection d(2) of this section.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.086 - Food and Kindred Products: The following standards apply to food and kindred product uses when located in the Agriculture, Rural Lands, and Commercial Retail categories.

a. Limitation on use.

(1) Agriculture and Rural Lands. Food and kindred products uses allowable in the Agriculture and Rural Lands categories are limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.

(2) **Commercial Retail.** Food and kindred products uses allowable in the Commercial Retail category are limited to bakeries, ice cream and candy shops and other similar uses where the primary purpose of food production is to support on-site retail sales.

b. **Permit requirement.** As set forth in Section 23.03.042 (Permit Requirements) for retail trade and service uses.

23.08.088 - Fuel And Ice Dealers:

a. **Permit requirement.**

(1) **Fuel dealers.** As set forth in Section 23.03.042 (Permit Requirements) for retail trade and service uses.

(2) **Ice dealers:** As set forth in Section 23.03.042 (Permit Requirements) for manufacturing and processing uses.

b. **Parking requirement.** One space per 1,000 square feet of use area. Parking lot turnover is low; loading bay intensity is high.

c. **Fuel dealer standards.**

(1) **Minimum site area.** 20,000 square feet.

(2) **Location.** For aboveground fuel tank storage, no closer than 500 feet to a residential category. No location limitation for establishments using underground storage only.

(3) **Site design.** Where storage yards or outdoor activity areas are proposed, they are subject to the provisions of Section 23.08.146 (Storage Yards).

(4) **Setbacks.** All above ground fuel storage facilities are to be no closer than 50 feet to any property line or any residential use.

e. **Ice and bottled water dealer standards.** No special standards other than permit and parking requirements in subsection b. of this section. See Chapter 23.04 (Site Design Standards).

[Amended 1995, Ord. 2715]

23.08.094 - Petroleum Refining and Related Industries, and Marine Terminals and Piers: This section applies to establishments primarily engaged in petroleum refining and compounding lubricating oils and greases from purchased materials, oil or gas processing facilities, manufacture of petroleum coke and fuel briquettes and tank farms. Additional requirements applicable to such facilities are contained in Energy and Industrial Policies 33-35 in the Local Coastal Program Policy Document. Section 23.08.284 may also be applicable to such facilities.

a. **Specific Plan Required:** An application for a land use permit for a project within the use group of Petroleum Refining and Related Industries (including extended reach facilities) and Marine Terminals and Piers may be applied for and obtained only after a Specific Plan, as described in Government Code Section 65450 et seq., for overall development of the parcel has been approved, 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 new marine terminal or pier which will be used solely for commercial, recreational, or fishing purposes excluding onshore support facilities for petroleum production, equipment, and related passenger transportation facilities; and,

(7) 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 accordance 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, Local Coastal 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:** Since the Specific Plan is necessary to provide a tool for systematic implementation of the general plan, it must be precise as to the distribution, location, and extent and intensity of the major components for the proposed facility. Before the Board of Supervisors may approve any Specific Plan requested pursuant to this section, it shall consider whether its action protects and promotes community health, safety, air and water quality, soil and habitat stability, riparian and wetland areas, and coastal, 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.

The foregoing requirements are in addition to the informational requirements set forth below in subsection 23.08.094g (Application Requirements).

e. **Pre-application conference required:** Development Plan applications filed after approval of the Specific Plan, as required by subsection 23.08.094a above, shall be preceded by a pre-application conference scheduled by the Department of Planning and Building. 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:** Development Plan approval by the Board of Supervisors is required for all new uses and any expansion of the external boundaries of existing uses. The action of the Planning Commission described in Section 23.02.034c shall be a recommendation to the Board of Supervisors. Minor Use Permit approval is required for modification of facilities within an existing approved development, unless a condition of a previous Development Plan approval sets a different land use permit requirement.

g. **Application requirements:** In addition to the application content requirements of Chapter 23.02 (Permit Applications) an application filed pursuant to 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 are to 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:

(i) 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.

(ii) A schedule for applications and approvals for actions by other responsible agencies.

(iii) 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 pursuant to 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 supplies, 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 Development Plan 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 Development Plan. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Development Plan 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 of Planning and Building 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 Development Plan. Specific components of this Environmental Quality Assurance Program will be determined during the environmental review process and Development Plan 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 Development Plan approval process.

[Amended 1992, Ord. 2591; 2004, Ord. 3001]

23.08.097 - Recycling and Scrap:

a. **Limitation on use.** Recycling operations in the Public Facilities category is not to include vehicle wrecking, dismantling or storage.

b. **Permit requirement.** Development Plan 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 23.08.146 (Storage Yards).

[Amended 1995, Ord. 2715]

23.08.098 - Recycling Collection Stations:

a. **Permit requirement.** Minor Use Permit approval.

b. **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 is to use the same site.

c. **Minimum site area.** None required.

d. **Setbacks.** None required, provided that no collection station is to be located within 100 feet of an intersection.

e. **Parking requirement.**

(1) **Rural or village areas.** A Recycling collection station in a rural or village area is to be located to allow a user vehicle to pull entirely off the street pavement while using the facility, and sufficient area is to be provided to accommodate two automobiles 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 are to be provided.

f. **Design standards.** A Recycling collection station is to be designed as follows:

(1) **Containers.** Portable containers are to be used, placed within a stationary wood framework, solid fence or bin to prevent the containers from being overturned.

(2) **Container enclosure.** To be equipped with a lid to prevent access to stored materials by animals or vermin, and to preclude stored paper from being scattered by wind.

(3) **Maximum area.** A Recycling Collection station is to be no larger than 100 square feet.

(4) **Signing.** All collection stations are to be provided instructional signing indicating how materials are to be separated, and stating any limitations on the types of materials accepted for recycling.

g. **Maintenance.** All Recycling collection stations are to be maintained in a clean and sanitary condition, with no material stored or discarded outside the container enclosure. All collection stations are to 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. 2591; 1995, Ord. 2715]

23.08.100 - Medical and Social Care Facilities (S-6): Personal care services identified by the Land Use Element as allowable, S-6 uses (See Coastal Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.108 Nursing and Personal Care
23.08.110 Residential Care

[Amended 1992, Ord. 2591]

23.08.108 - Nursing and Personal Care: This use is allowable in the Residential Suburban, Residential Multi-Family and Commercial Retail categories subject to the following provisions:

a. **Permit requirement.** Minor Use Permit approval.

b. **Location.** Nursing and personal care facilities shall be located within an urban or village reserve line.

c. **Minimum site area.** 20,000 square feet.

d. **Parking requirement.** One space per four beds. The applicable review body 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 1992, Ord. 2591]

23.08.110 - 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. **Permit requirement.** No land use permit is required when six or fewer persons are provided 24-hour care in a single-family residence. Minor Use Permit approval is required for more than six boarders, whether in a single-family residence or a larger facility.

b. **Minimum site area.** 20,000 square feet is the minimum site area for more than six boarders.

c. **Fencing.** Any play areas for children are to be fenced to prevent uncontrolled access to and from the site.

d. **Parking.** For facilities with more than six boarders, parking is to be provided as set forth in Section 23.08.108d (Nursing and Personal Care - Parking).

e. **Board and care homes - Additional standards.** Board and care homes for ambulatory residents, where no medical care is provided, are also subject to all applicable standards for multiple-family dwellings.

[Amended 1995, Ord. 2715]

23.08.120 - Miscellaneous Special Uses (S-1 and S-2): A use of land that is not listed elsewhere in this chapter, and is designated by the Land Use Element as allowable pursuant to this section, is subject to the following permit requirements in addition to all other applicable provisions of this title:

a. **Uses requiring Minor Use Permit review (S-2).** Uses designated by the Land Use Element as allowable pursuant to this subsection (S-2 uses on Coastal Table O, Part I of the Land Use Element), require Minor Use Permit approval in accordance with Section 23.02.033 (Minor Use Permit).

b. **Uses requiring Development Plan review (S-1).** Uses designated by the Land Use Element as S-1 uses allowable pursuant to this subsection require Development Plan review in accordance with Section 23.02.034 (Development Plan).

[Amended 1992, Ord. 2591]

23.08.140 - Outdoor Commercial Uses (S-7): Sales and storage activities that are primarily of an outdoor nature and are designated as allowable, S-7 uses by the Land Use Element (see Coastal Table 0, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.142 Outdoor Retail Sales
23.08.144 Sales Lots and Swap Meets
23.08.146 Storage Yards

23.08.142 - Outdoor Retail Sales: This section sets 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 23.08.144 (Sales Lots and Swap Meets) and Section 23.08.056 (Roadside Stands).

a. **General requirements.** The following standards apply to all temporary outdoor retail sales activities unless otherwise provided in subsections b. through f.

(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 Development Plan 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 Section 23.04.306b(19) 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 23.08.248), except as otherwise provided by this section.

c. **Farmers' markets.** A farmers' market pursuant to 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 23.08.056; the sale of seasonal agricultural products is subject to subsection e. of this section.)

(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 Commercial, Industrial, Public Facilities and Recreation land use categories.

(4) **Duration of use.** Farmers' markets are to 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 23.08.030g(1).

e. **Sales from individual vehicles.** This use involves the retail sale of various commodities from a vehicle parked outside the public right-of-way. Sales from a vehicle within the public right-of-way are subject to Title 6 of this code.

(1) **Permit requirement.** Zoning Clearance. The Zoning Clearance application shall be accompanied by the following:

(i) Written authorization from the owner of record of the site proposed for the sales use; and

(ii) A statement of intent is to be filed with the Planning Department at the time of Business License Clearance, which is to 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 linear feet of street frontage, unless the subject site is authorized as a farmers' market pursuant to subsection b of this section, or a swap meet pursuant to Section 23.08.144.

(3) **Duration of use.** Sales from vehicles are to occur no more than two days per week.

(4) **Operational standards.** When not in use, any commercial vehicle from which sales are conducted is to 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 or prohibition of the applicable fire protection agency, in addition to the requirements of this title.

(1) **Time limit.** The length of time during which seasonal sales may occur is as follows:

(i) **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 accordance with Section 23.08.056 (Roadside Stands).

(ii) **Non-agricultural or off-site products.** The seasonal sale of non-agricultural products (e.g., fireworks), or agricultural products grown in a location separate from sales, is limited to 45 days.

(2) **Location.** Seasonal sales are to be conducted only in the land use categories authorized for such use by the Land Use Element, in the following locations:

(i) On the site where the seasonal agricultural products were grown; or

(ii) Outside of any public road right-of-way unless an encroachment permit is approved by the County Engineering Department. A shopping center parking lot may be used only where no more than 20 percent of the parking spaces are to 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 accordance 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 is to be in the form established by Section 23.02.060 (Guarantees of Performance), 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 sales.** Sidewalk and parking lot sales are allowed in the Commercial Retail category provided that the sales activity satisfies the following requirements. Parking lot sales differ from "sales from individual vehicles" (subsection e. of this section) in that sidewalk and parking lot sales are infrequent, promotional events involving the majority of merchants in a shopping center (as defined in Chapter 23.11; Definitions - 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

(5) Conducted no more often than two days in every 30 days.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.144 - Sales Lots and Swap Meets: Outdoor sales lots and swap meets allowed in the Commercial Service and Industrial categories are subject to the provisions of this section. (Wrecking yards are subject to Section 23.08.097 - 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 Chapter 23.03 (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.**

(i) **Displays.** To be limited to street frontages only. All other property lines are to be screened as set forth in subsection (2)(iv) of this section. All signing is to be in conformity with Section 23.04.300 (Signing).

(ii) **Parking requirement.** One space per 3,000 square feet of outdoor use area, one space per 300 square feet of office space.

(iii) **Landscape planting.** A five foot wide planting strip is to 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 Sections 23.04.180 et seq. (Landscape).

(iv) **Screening.** All interior property lines are to be screened with a six foot high solid wall or fence.

(v) **Office facilities.** When no buildings exist or are proposed on a sales yard site, one commercial coach may be utilized 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).

(vi) **Site surfacing.** A sales lot is to be surfaced with concrete, A.C. paving, crushed rock, or other material maintained in a dust-free condition. All vehicle drive areas are to be paved with concrete, asphalt or crushed rock.

b. **Swap meets.** May be conducted only as a temporary use on the site of another use established pursuant to this Title in a Commercial Service or Industrial category, provided that such site is also in conformity with the standards of this section.

(1) **Permit requirement.** Minor Use Permit approval.

(2) **Location.** On an arterial, or on a collector which extends between two other collectors or arterials, provided that a swap meet is not to be located on a site that abuts a residential category.

(3) **Limitation on use.** The sale of vehicles is not permitted. Any sales of food items are subject to Health Department approval.

(4) **Site design standards.**

(i) **Parking requirement.** As determined by the applicable review authority.

(ii) **Restrooms.** Public restrooms are to be provided at a swap meet as required by the Health Department.

(iii) **Site surfacing.** Portions of a swap meet site used for sales activities, or pedestrian circulation are to be surfaced with concrete, asphalt, or planted with maintained lawn. Vehicle access and parking areas are to be surfaced in accordance with Section 23.04.160 (Parking). All site areas not otherwise used for buildings or vehicle circulation are to be landscaped.

(5) **Operation.** Swap meets are to be held during the daylight hours, on no more than two days out of every seven days. This standard may be modified by the Planning Commission through Development Plan 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 1992, Ord. 2591; 1993, Ord. 2635]

23.08.146 - 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, Industrial and Public Facilities categories subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 23.04.160 (Parking); the storage of wrecked or abandoned vehicles, or vehicles being dismantled, is subject to Section 23.08.097 (Recycling and Scrap), in addition to this section.

a. Permit requirement. As established by Chapter 23.03 (Permit Requirements) for outdoor storage uses.

b. Site design standards.

(1) Access. There is to be only one access point to a storage yard for each 300 feet of street frontage. Such access point is to be a maximum width of 20 feet, and is to be provided with a solid gate or door.

(2) Screening. A storage yard (except a temporary off-site construction yard) is to 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 23.01.044), when:

(i) The side of a storage yard abuts a railroad right- of-way; or

(ii) 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 is to 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 utilized for an office, provided that such vehicle is equipped with skirting, and installed pursuant to 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 or from outside the Industrial category; or

(3) Screening requirements have been waived or modified pursuant to subsection b(2)(ii) of this section; 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. 2591]

23.08.160 - Residential Uses (S-8) and (S-16): Residential Uses identified as allowable, S-8 uses by Coastal Table O, Part I of the Land Use Element, are subject to the provisions of the following sections:

23.08.161	Caretaker Residence
23.08.162	Residential Uses in Office and Professional or Commercial Categories
23.08.163	Individual Mobilehomes
23.08.164	Mobilehome Parks
23.08.166	Organizational Houses
23.08.167	Residential Uses in the Agricultural Category
23.08.168	Residential Uses in the Recreation Category
23.08.169	Secondary Dwellings

[Amended 1992, Ord. 2591]

23.08.161 - Caretaker Residence (S-8): 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 Multi-Family, subject to the following standards (a caretaker residence in the Agriculture land use category is subject to Section 23.08.167 - Farm Support Quarters):

a. **Permit requirement.** Plot Plan approval. The application is to include a developer's statement explaining the need for caretaker quarters and responsibilities of the caretaker/resident.

b. **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 23.04.040 (Minimum Site Area) for the principal use of the site within an urban or village area.

c. **Status of caretaker.** The resident of the dwelling is to be the owner or lessee, or an employee of the owner or lessee of the site.

d. **Type of use requiring a caretaker.** A caretaker dwelling shall not be approved unless the Planning 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, agricultural plants, animals, equipment, or other conditions on the site. A caretaker's residence requested in conjunction with an agricultural use in any land use category is subject to Section 23.08.167b and c.

e. **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 Facilities categories, such dwelling may be located in accordance 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 is to be located on the same lot of record or contiguous ownership as the use requiring a caretaker. Where a mobilehome is proposed as a caretaker residence, its location shall satisfy all applicable provisions of Section 23.08.163 (Individual Mobilehomes).

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 residence is proposed in the Residential Rural and Residential Suburban categories, the design standards of Section 23.08.169g (Secondary Dwellings) apply. Caretaker residences shall meet all applicable Uniform Building Code requirements for a dwelling unit unless a mobilehome 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 mobilehome, which may be used only in the Rural Lands, Recreation, Residential Rural, Commercial Service, Industrial and Public Facility categories, in accordance with Section 23.08.163 (Individual Mobilehomes).

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 1992, Ord. 2591; 1995, Ord. 2715; 2004, Ord. 3001]

23.08.162 - Residential Uses in Office and Professional or Commercial Categories: Single Family and Multi-Family dwellings identified as S-8 uses in the Office and Professional or Commercial Retail categories are subject to the standards of this section; except for Caretaker Residences (Section 23.08.161) :

a. **Limitation on use - Office and Professional category.** Except where pro-hibited by planning area standards of the Land Use Element new single family or multi-family dwellings are allowed in an Office and Professional category, provided that they are:

(1) Located on either the second floor and/or the 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 use; and

(2) Subordinate to the primary office use of the site; or

(3) Multi-family residential development as a principal use authorized through Development Plan approval, in an Office and Professional category where planning area standards of the Land Use Element allow residential development as a principal use.

b. Limitation on use - Commercial categories. Except where prohibited by planning area standards of the Land Use Element, new single family or multi-family dwellings are allowed in the Commercial Retail land use category provided that they are:

(1) Located outside of any visitor serving "V" designation as shown on the Land Use Element; and

(2) Located on either the second floor and/or the rear half 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 retail use; and

(3) Subordinate to the primary commercial use of the site.

New dwellings are not allowed in the Commercial Service category, except for a caretaker residence (Section 23.08.161).

c. Existing uses. In an Office and Professional or Commercial categories, a detached single family dwelling which is the principal use of its site may be continued as a residential use as set forth in Section 23.09.026d (Nonconforming Uses of Land).

d. Permit requirements.

(1) The land use permit required to authorize residential uses pursuant to this section shall be the same as that required by this title for the principal use of the site; except that where Section 23.03.040 would require a higher permit level for the residential uses, the higher permit shall be required.

(2) When Minor Use Permit or Development Plan approval is required by this title to authorize the proposed residential use, the applicable approval body shall, before granting such approval, find that the proposed residential use will not:

(i) 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 of the General Plan.

(ii) 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 23.04.084 (Residential Density - Multi-Family Dwellings), or applicable planning area standards of the Land Use Element.

f. Parking.

(1) When a commercial and residential use are located on the same site, the number of parking spaces provided is to be 80% of the total required for each residential and commercial use on the same site by Section 23.04.160 (Parking).

(2) All parking for a residential use in a Commercial Retail, Commercial Service or Office and Professional category is to be located on-site.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.163 - Individual Mobilehomes: When used as permanent dwellings, individual mobilehomes (described as manufactured homes by Section 65852.3 et seq. of the California Government Code) are subject to the standards of this section, in addition to Chapter 19.60 of the Building and Construction Ordinance. Mobilehomes used as caretaker housing are subject to Section 23.08.161 (Caretaker Residences) in addition to subsection b. of this section. Mobilehomes for temporary office or dwellings are subject to Sections 23.08.240 et seq. (Temporary Uses). Mobilehomes in sales lots are subject to Section 23.08.144 (Sales Lots).

a. Permit requirement: Plot Plan approval, except that no county permit is required for individual mobilehomes in approved mobilehome parks under the jurisdiction of the California State Department of Housing and Community Development. The Plot Plan application is to include either photos or a manufacturer's brochure depicting the actual type, exterior finishes, roof overhang, and roofing materials of the proposed mobilehome.

b. Location: An individual mobilehome may be installed where allowed by Table O, Part I of the Land Use Element, pursuant to the other provisions of this section, provided that the mobilehome meets all applicable standards for single family dwellings contained in this title and:

(1) Is certified under the National Manufactured Housing Construction and Safety Act of 1974; and

(2) Is to be installed on a permanent foundation or a foundation system pursuant to Section 18551 of the California Health and Safety Code; and

c. Minimum site area: As provided by Section 23.04.044e for single-family dwellings, except where a planning area standard of the Land Use Element requires a larger area for single-family dwellings.

(1) Mobilehome parks: The minimum site area for mobilehomes located within mobilehome parks shall be as specified in Section 23.08.164.

d. Setbacks: As set forth in Sections 23.04.100 et seq. of this title. When located in an approved mobilehome park, setbacks shall be as set forth in Section 23.08.164e(1).

e. **Mobilehome design standards.** The following standards apply to all new mobilehomes proposed within urban or village areas or in rural areas , except in mobilehome parks. These requirements apply in addition to all applicable standards of this title for single-family dwellings, as well as all applicable provisions of Chapter 19.60 of this code.

(1) **Exterior design standards:**

(i) **Siding materials.** Exterior siding (excluding windows) is to consist of non-reflective materials designed to resemble wood, stucco, rock, masonry or concrete block or other non-reflective, textured surface.

(ii) **Roofing materials.** Roofs (excluding skylights) are to 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.

(iii) **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 Planning Director, a proposed mobilehome does not satisfy the criteria of subsections b. or e. of this section, Minor Use Permit approval is required. The provisions of this section are not otherwise subject to waiver or modification pursuant to Section 23.08.012d.

g. **Storage:** Unoccupied mobilehomes that are not fixed to a foundation system or otherwise installed on an approved permanent site shall be stored only in a mobilehome sales lot (Section 23.08.144), an approved storage yard (Section 23.08.146), or in a mobilehome park.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.164 - Mobilehome Parks: Mobilehome parks are subject to the regulations of Title 25 of the California Administrative Code, in addition to this section and other applicable standards of this Title.

a. **Permit requirement.** Development Plan pursuant to Section 23.02.034 in addition to any permits required by the state Department of Housing and Community Development.

b. **Application content.** 10 copies of the Development Plan application and all accompanying materials are to be provided.

c. **Minimum site area and density.** A site proposed for a mobilehome park is to 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 mobilehome for each area equivalent to the minimum parcel size required by Section 23.04.020 et seq. for the land use category in which the site is located. Sites for individual mobilehomes may be clustered, and of a size consistent with subsection e(1) of this section, when the mobilehome park is provided on-site community water supply and sewage disposal systems.

(3) **Recreation category.** Eight dwelling units per acre of gross site area.

d. **Access.** A collector, arterial or freeway frontage road, except that a mobilehome 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.

e. **Site design standards.**

(1) **Required yards.**

(i) **Individual mobilehome lots.** To be provided with a 10-foot front yard between the mobilehome and the edge of an internal park street, measured from the center point of the mobilehome 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.

(ii) **Separation between structures.** No mobilehome may be located closer than 10 feet to another mobilehome or structure.

(iii) **Park boundary yards.** Mobilehomes are to 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% of the mobilehome park site may be covered by mobilehomes, structures, and paving for vehicle use.

(3) **Landscaping.** Areas not occupied by mobilehomes, other structures or paving, or unpaved fenced storage areas are to be landscaped.

(4) **Parking.** The mobilehome park is to be provided with parking spaces as follows.

(i) **Individual mobilehome.** A minimum of two off-street parking spaces are to be located on each mobilehome site. Such spaces may be arranged in tandem, and may extend into the required front yard.

(ii) **Guest parking.** To be provided at a ratio of one space for every four mobilehomes. 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 Administrative Code.

(5) **Utilities.** All on-site utilities are to be installed underground.

(6) **Screening fencing.**

(i) **Fencing required.** The perimeter of a mobilehome park (with the exception of the park entrance street frontage) and any recreational vehicle storage areas are to be enclosed with solid wood or masonry fencing, or other alternative screening approved by the Planning Commission, a minimum of six feet in height.

(ii) **Location of fencing.** Park perimeter fencing is to be located at the setback line on street frontages where required, and on the property line elsewhere.

(iii) **Adjustment.** An adjustment to this standard may be authorized by the Planning Commission to reduce or eliminate the fencing requirement where topography, existing vegetation intended to remain, or other conditions would make screening unnecessary or in-effective.

(7) **Antennas.** A mobilehome park may be provided with cable television service or a single community receiving antenna. Individual television antennas shall not be used.

(8) **Skirting.** Each mobilehome shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobilehome located on-grade.

f. **Mobile home park condominiums.** A mobilehome park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Sections 23.04.025 et seq., to be determined by the Review Authority through Development Plan approval provided that the density of the units is in compliance with Section 23.08.164(c). Mobile home park condominiums are also subject to the requirements of subsection g of this section.

g. **Closure or conversion of mobilehome park to another use.** Any closure, subdivision or conversion to another use of a mobilehome park or any portion thereof, is subject to the following requirements, in addition to all other applicable provisions of this Title.

Any conversion of an existing rental mobilehome park to a mobilehome park subdivision with ownership of individual lots, or to a condominium conversion, is not subject to this Section but shall instead be subject to Title 21 Sections 21.01.050 and 21.06.040 - Condominium conversion.

An exception to the requirements of this Section shall be made for the Port San Luis Trailer Park, located in Avila Beach and owned by the Port San Luis Harbor District. The conversion or closure of that specific mobilehome park shall instead be subject to the California Harbors and Navigation Code Section 6086.

(1) **Purpose and intent.** The purpose of this Section is to:

(i) Establish standards for the closure or conversion of a mobilehome park that conform to the General Plan and Housing Element.

(ii) Inform the Review Authority of the impact of such closure or conversion upon the displaced residents.

(iii) Provide financial compensation and relocation assistance to displaced residents.

(iv) Provide mobilehome park owners with relief from unreasonable relocation costs.

(v) Reduce the incremental loss of mobilehome parks, preserve existing mobilehome parks and reduce the loss of affordable housing stock.

(2) **Permit requirement.** Development Plan approval pursuant to Section 23.02.034.

(3) **Application content.** The Development Plan application shall include the following items, in addition to all information required by Section 23.02.034 of this title.

(i) **Conversion Impact Report** - A report shall be prepared and submitted with the application pursuant to Government Code 65863.7 or 66427.4. The Conversion Impact Report shall be prepared by an independent agent acceptable to the County and at a minimum, shall include the following information:

(a) The number of mobilehomes that will remain and/or be displaced by the proposed development. For displaced units describe the age, size and condition of the mobilehomes.

(b) The number of available vacant mobilehome spaces in existing comparable mobilehome parks within a twenty (20) mile radius, the space rental rates and evidence of the willingness of other mobilehome park owners to receive some or all of the displaced mobilehomes.

(c) An estimate of the relocation cost considering all of the costs related to installing the displaced mobilehomes on an available receiving site, as described in subsection g(6).

(d) For displaced residents, the household sizes, income levels, age of the residents, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

(e) A list with the names, addresses and phone numbers of the conversion impact report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant may use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.

(f) A list of all known alternative housing and / or replacement housing that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

(4) **Special notice requirement**. The applicant shall verify, to the Planning Director's satisfaction, that each park resident and mobilehome owner has received or will receive each of the following notices and documents. 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.

(i) **Notice of Intent**. A "notice of intent" by applicant to convert or close the mobilehome park shall be sent by certified mail at least 60 days prior to submittal of the application to the County. After the "notice of intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval of a change of use or that a change of use request has been granted, pursuant to Civil Code 798.56(g).

(ii) **Conversion Impact Report**. A copy of the Conversion Impact Report as set forth in subsection g(3)(i) at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(h).

(iii) **Public hearing notice**. A public hearing notice, in addition to the public hearing notice provided by the County, at least 15 days before the County holds the Development Plan hearing, pursuant to Civil Code 798.56(g).

(iv) **Notice of termination of tenancy**. All displaced residents and mobilehome owners shall be given a written "notice of termination of tenancy" that provides for a minimum of 180 days after County approval of the Development Plan to vacate their spaces, pursuant to Civil Code 798.56(g). The said notice shall be delivered by certified mail to each resident and mobilehome owner within 10 days of permit approval by the County.

(5) **Informational meeting**. No less than ten (10) days prior to the first public hearing regarding the proposed mobilehome park conversion, the applicant shall conduct an informational meeting for the residents of the mobilehome park. The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and the Relocation Counselor and a County representative shall be present. The meeting shall address the proposed mobilehome park conversion, the conversion application process, the contents of the conversion impact report, and proposed relocation assistance for displaced mobilehome owners and residents. Prior to the date of the first public hearing the applicant shall verify, to the Planning Director's satisfaction, that the informational meeting has occurred in conformance with this Section.

(6) **Conditions of approval**. Approval of a Development Plan shall include the following conditions of approval at a minimum.

(i) **Relocation or sale**. Pursuant to Government Code Section 65863.7 and 66427.4, the County shall apply mitigation measures to fully cover the reasonable costs of relocation for displaced mobilehome park residents who must find another mobilehome park. If no

comparable mobilehome park space or mobilehome owner approved receiving site exists, then the applicant shall buy the mobilehome at its "in-place" value as described below. Mobilehome owners who do not use the mobilehome as their primary residence shall receive assistance in relocation of their mobilehomes, but shall not be eligible for the "in-place" value option. Mobilehome Owners who experienced a personal, disabling condition that required a temporary residential stay elsewhere wid1in the 12 months prior to the submittal date of the Development Plan application (pursuant to Civil Code 798.23.5) are eligible for all options described below. The Development Plan shall identify the option assigned to each displaced mobilehome in a Relocation Plan, as follows:

(a) **Relocation of mobilehome**. Applicant shall pay all costs related to moving the mobilehome plus fixtures, accessories, and the mobilehome owner's possessions to a comparable mobilehome park within 20 miles of the existing location or to a receiving site within the County as requested by the mobilehome owner. Fixtures and accessories include, but are not limited to: decks, porches, stairs, access ramps, skirting, awnings, carports and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (i.e., mobilehome permit, land use permit) and the reasonable living expenses of displaced mobilehome residents for a period not exceeding 45 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable county codes. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. A comparable mobilehome park is one that is safe, sanitary, well-maintained, and is in conformance with state and local codes.

(b) **Rent subsidy for another mobilehome park**. Applicant shall provide displaced mobilehome owners with payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months for relocated mobilehomes.

(c) **Sale at "in-place" value**. This option shall be available only to permanent resident mobilehome owner(s). If the mobilehome cannot be relocated to a comparable mobilehome park or mobilehome owner-approved receiving site the applicant shall buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary and well maintained condition.

(d) **Relocation plan**. The relocation plan shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit. The plan shall describe the cost

of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or to be relocated for the mobilehome owner(s). The plan shall provide the appraised "in-place" sales price of all mobilehomes to be sold. The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or "in-place" sales value shall be referred to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive. The applicant and displaced mobilehome park residents may agree on other mutually satisfactory relocation assistance. Such assistance may include, but is not limited to, mortgage assistance with the purchase of another mobilehome or replacement housing unit on-site or off-site.

(e) **Relocation Counselor**. Applicant shall provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include, but are not limited to, vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property and belongings to the replacement housing, to render financial advice on qualifying for various housing types. to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan

No later than thirty (30) days after the County approval date of the Development Plan for the mobilehome park conversion the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence consultations to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Development Plan.

(f) **Relocation assistance for mobile home park renters**. Mobilehome park renters are permanent residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes. The applicant shall pay all costs for providing

the following services for displaced mobilehome park renters: assistance of the Relocation Counselor to locate and secure placement in comparable replacement housing, the moving of all of the household's personal property and belongings to the replacement housing, and the security deposit. Displaced low income renters are also eligible for one year of rent subsidy. When the low-income renter household moves into a comparable unit where the rent is higher than the rent of the mobilehome that the household occupied then the applicant shall pay the difference for a period of one year from the date of relocation.

A comparable unit has facilities that are equivalent to the household's existing rental mobilehome with regards to the following features: a) unit size including the number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped or senior citizens; 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 household'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 or demolish has been given.

(g) **Permanent resident**. Permanent resident status is established at the time that the mobilehome park conversion application is submitted. A "permanent resident" is any person who lives in the mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:

1) Address where registered to vote.
2) Home address on file at place of employment or business.
3) Home address on file at dependents' primary or secondary school
4) Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
5) DMV license address.
6) Mailing address.
7) Vehicle insurance address.
8) Home address on file with Bank account
9) Home address on file with IRS.
10) Home address on file with local club/ association membership.

(ii) **REPLACEMENT HOUSING**. Conversion or closure of all or part of a mobilehome park is subject to Section 23.04.092 - Affordable Housing Required in the Coastal Zone.

(7) **Vacancy of a mobile home park exceeding twenty-five (25%) percent.**

(i) Whenever twenty-five (25%) percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park conversion" for the purposes of this ordinance. The mobilehome park owner shall file an application for the closure or conversion of a mobile

home park to another use, pursuant to the requirements of this Section. A mobilehome site is considered to be "uninhabited" when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.

(ii) Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in subsection g (7)(i), such resident or person may file a written statement to that effect with the Director of the Department of Planning and Building. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park conversion is underway.

(iii) If the Director of the Department of Planning and Building determines that an unauthorized mobilehome park conversion is underway he or she shall send to the mobilehome park owner a written notice by certified mail which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application pursuant to this Section for the closure or conversion of a mobile home park to another use.

(iv) Once the Director of Planning and Building has determined whether or not an unauthorized mobilehome park conversion is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, the mobilehome park resident or person who filed the written statement pursuant to subsection g (7)(ii), and to all the residents in the mobilehome park.

(v) The determination of the Director of the Department of Planning and Building pursuant to subsection g(7)(ii) may be appealed by the person who filed the statement, by the mobilehome park owner or by any other interested person but not more than fifteen (15) calendar days after the date of the notice of determination. All such appeals shall be submitted and processed in conformance with Section 23.01.042.

(8) Application for exemption from relocation assistance requirements.

(i) Any person who files an application for closure or conversion of a mobile home park to another use may, simultaneous with such application, file an application for exemption from some or all of the relocation assistance requirements described above in subsection g(6) - Conditions of Approval.

(ii) If such an exemption application is filed, the applicant shall verify, to the Planning Director's satisfaction, that each mobilehome park resident and mobilehome owner has received or will receive a copy of the complete application for exemption.

(iii) The County may consider an application for exemption only for one or both of the following reasons:

(a) That the requirement(s) for relocation assistance would eliminate substantially all reasonable use or economic value of the property.

(b) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

(iv) Any application for exemption made pursuant to subsection g (8) (iii) (a) shall contain, at a minimum, the following information:

(a) Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

(b) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such pursuant to the laws of the State of California. The said report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property. The report shall describe the minimum period of time in which such improvements or repairs must be made, and provide an itemized statement of the improvements and repairs along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property. The report shall be referred to the California Department of Housing and Community Development for review and comment. If the Planning Director requires an analysis of the information submitted by the civil engineer or general contractor, the Planning Director may procure services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

(c) An estimate of the total cost of relocation assistance which would be required pursuant to subsection g(6) - Conditions of Approval. This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, that document the number of residents of the park who are willing to relocate their mobilehomes and those who would elect to sell their mobilehomes, and the costs

related to providing the relocation assistance measures delineated in subsection g(6) - Conditions of Approval.

(d) An estimate of the value of the mobilehome park if the park were permitted to be developed for the change of use proposed in the application for conversion of the park, and an estimate of the value of such park if use of the property as a mobilehome park is continued. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.

(e) Any other information which the applicant believes to be pertinent. or that may be required by the Planning Director.

(v) Any application for exemption filed pursuant to subsection g(8)(iii)(b) shall be accompanied by adequate documentation regarding the, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.

(vi) When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the County may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of such park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The County shall expressly indicate in its decision any waiver and the extent thereof.

Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the County shall have the power to waive all or a portion of any type of benefit to the extent necessary to comply with the judgement, order, or decree of the court

(9) **Special Findings for closure or conversion of a mobile home park to another use**. A Development Plan may be approved only after the Review Authority first determines that the request satisfies the following findings, in addition to the findings required by Section 23.02.034c(4):

(i) Adequate measures to address the financial and other adverse impacts to the residents and/or owners of the displaced mobilehomes have been taken.

(ii) The conversion or closure of all or part of the mobilehome park will not result in a significant decrease in the affordable housing stock in the community where the conversion or closure is proposed, and adequate mitigation measures will be taken by the park owner for all displaced residents.

[Amended 1992, Ord. 2584; 1995, Ord. 2715; Amended 2008, Ord. 3165]

23.08.165 - Residential Vacation Rentals: The Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use. This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer. Rental of a residence shall not exceed four individual tenancies per calendar month as defined in Subsection d. The use of residential property as a vacation rental within the Cambria and Cayucos and Avila Beach urban reserve lines shall comply with the following standards:

a. **Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of residential vacation rentals is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.

b. **Permit requirements.** Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for a Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.

c. **Location.**

(1) **Cambria.** Within all residential land use categories, no residential vacation rental shall be located within (1) 200 linear feet of a parcel on the same side of the street as the vacation rental; (2) 200 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 150 foot radius around the vacation rental. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay.) Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor-serving accommodation, to the closest property line of the property containing the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(2) **Cayucos**.

(i) Within the Residential Single Family and Residential Suburban land use categories, no residential vacation rental shall be located within: (1) 100 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 100 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 50 foot radius around the vacation rental. These same distances apply to other types of visitor serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the property containing the residential vacation rental unit and/or other visitor-serving accommodation, to the closest property line of the proposed residential vacation rental unit.

(ii) Within the Residential Multi-Family land use category, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit.

(iii) The location standards established in Subsections c.(2)(I) and (ii) can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(3) **Avila Beach**. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

d. **Vacation rental tenancy.** Rental of a residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

e. **Number of occupants allowed.** The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.

f. **Appearance, visibility and location.** The residential vacation rental shall not change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, 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.

g. **Signs.** Availability of the rental unit to the public shall not be advertised on site.

h. **Traffic.** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day.

i. **On-site parking required.** All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.

j. **Noise.** All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. In addition, property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

k. **Local contact person.** *All* residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same urban or village area as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

(1) A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Zoning Clearance, Business License and Transient Occupancy Tax Certificate for the residential vacation rental.

(2) The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

l. **Transient Occupancy Tax.** Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

m. **Effect on existing residential vacation rentals.** If a Business License issued for a residential vacation rental, expires pursuant to Tide 6 of the County Code, a new Zoning Clearance and Business License shall be required and shall be subject to all standards as set forth in this Section.

n. **Complaints.** Complaints about possible violations of these standards should first be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff s Department (Dispatch). Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriffs Department, the Sheriffs Department shall inform County Code Enforcement staff.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. Complaints about alleged violations shall be documented by a County Code Enforcement Officer. County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. In some cases, a report may also be written by the Sheriff's deputy responding to the complaint.

o. **Violation - vacation rental.** It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties (including fines) and process for addressing a violation of this section are set forth in Chapter 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include:

(1) Failure to notify County staff when the contact person, or contact information, changes.

(2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.

(3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.

(4) The inability of County staff or the Sheriff's Dispatch to reach a contact person.

(5) Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations of Subsection o, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Zoning Clearance. Signed affidavits by members of the community may be used to verify violations. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

[Added 2003, Ord. 2933; Amended 2013, Ord. 3226]

23.08.166 - Organizational Houses:

a. **Permit requirement.** Development Plan approval.

b. **Minimum site area.** 20,000 square feet in the Residential Suburban and Multi-Family categories; in other categories, as set forth in Section 23.04.020 (Minimum Parcel Size).

[Amended 1992, Ord. 2591; 1995, Ord. 2688]

23.08.167 - Residential Uses in the Agriculture 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. Such dwellings may include mobilehomes, subject also to the standards in Section 23.08.163 (Individual Mobilehomes).

a. **Limitation on dwelling location - prime soils.** Primary family housing and farm support quarters shall not be located on prime agricultural soils unless there is no other building site on the ownership that is all of the following:

(1) On other than prime soils;

(2) Less than 20 percent in slope;

(3) Not within a designated Flood Hazard Combining Designation.

b. **Primary housing:** Except as otherwise provided by subsection a. above, a parcel in the Agriculture category may be used for one primary dwelling, as follows:

(1) **Permit requirements:** Plot Plan approval. Additional dwellings are subject to the provisions of subsections c and d of this section (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 23.11 (Definitions - Parcel). Two or more dwellings per legal parcel shall satisfy all provisions of subsections c. and d. of this section (Farm Support Quarters).

c. **Farm support quarters - Single family dwellings and mobilehomes:** 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 requirement:** Plot Plan approval for the first farm support unit, Site Plan for subsequent units, or Minor Use Permit if the number of proposed farm support quarters exceeds the number of units permitted under the allowable density table in subsection (5) of this section, unless this title would otherwise require Minor Use Permit or Development Plan approval.

(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 (5) of this section, or that a greater number of farm support quarters is 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) **Status of residents:** Occupancy of farm support quarters in the form of single family dwellings or mobilehomes 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.** Except as otherwise provided by subsections a or b above, the maximum allowable density of farm support quarters in the form of single family dwellings or mobilehomes is as follows:

DENSITY OF FARM SUPPORT QUARTERS IN THE FORM OF SINGLE FAMILY DWELLINGS OR MOBILEHOMES	
Agricultural Land Use	**Single Family Dwellings or Mobilehomes[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. Density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director of the Planning and Building Department to be equivalent to those specified in this table.

2. Density of single family dwellings or mobilehomes as farm support quarters is based on the amount of agricultural activities occurring on the site, and unless authorized by Minor Use Permit or Development Plan approval, the number of single family dwellings or mobilehomes 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 Development Plan (Section 23.02.034) has been first approved, with the Planning Commission making the findings in subsections (i) and (ii) below, in addition to the findings in Section 23.02.034c(4) (Development Plan - Required Findings):

(i) The proposed reduction of the total acreage of the ownership will not affect its continuing use as a productive agricultural unit; and

(ii) 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) **Mobilehomes.** The use of a mobilehome for farm support quarters is to satisfy the standards of Section 23.08.163 (Individual Mobilehomes).

d. **Clustered units - reversion to acreage required.** Where an ownership of multiple, legally-created lots of record is entitled to multiple dwellings pursuant to subsection c(5) of this section, the owner may group such 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 lots from which housing entitlements have been transferred. In the event that such reversion to acreage has not been obtained, the land use permit(s) for the housing shall become void.

e. **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 approval 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 the following subsections (4) through (7). Group quarters proposals which do not include such pre-approved plans and elevations or which do not meet one or more of the site design standards in the following subsections (4) through (7) may be authorized through Minor Use Permit approval, unless this title would otherwise require Minor Use Permit or Development Plan 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 e(7) of this section, 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) **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.

(5) **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.

(6) **Minimum Site Area:** 20 Acres.

(7) **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 table below:

MAXIMUM OCCUPANT CAPACITY OF FARM SUPPORT QUARTERS IN THE FORM OF GROUP QUARTERS

Agricultural Land Use	Capacity of Group Quarters 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. Density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director of the Planning and Building Department to be equivalent to those specified in this table.

2. 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 Development Plan approval, the maximum occupant capacity of group quarters facilities as farm support quarters is limited to 20 persons.

(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.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1985, Ord. 2311; 1992, Ord. 2540; 1992, Ord. 2547; 1992, Ord. 2591; 1995, Ord. 2715]

23.08.168 - Residential Uses in Recreation Category: A residential use identified as an allowable, S-8 use in the Recreation land use category by Coastal Table O, Part I of the Land Use Element is subject to the standards of this section, except for Caretaker Residences (see Section 23.08.161).

a. Permit requirement.

(1) **Principal use.** Multi-family units proposed as the principal use of a site in a Recreation category shall be authorized through Minor Use Permit approval, unless the provisions of Section 23.03.042, Table 3-A, regarding dwellings, would otherwise require Development Plan approval.

(2) **Secondary use.** Residential units secondary to a commercial use allowed in the Recreation category are subject to the permit requirements of Section 23.03.040 for residential uses.

b. Minimum site area and density. To be as required by Section 23.04.084 (Residential Density - Multi-Family Dwellings), or applicable Planning Area Standards of the Land Use Element.

[Amended 1995, Ord. 2715]

23.08.169 - Secondary Dwelling Units (S-8): A second permanent dwelling may be allowed pursuant to this section on a site in the Residential Single-Family, Residential Suburban and Residential Rural land use categories, in addition to the first dwelling on a site allowed by Section 23.04.082, provided the site and the existing primary dwelling satisfy all other applicable provisions of this title. (A caretaker residence is subject to Section 23.08.161, farm support quarters are subject to Section 23.08.167c.)

a. Authority. Secondary dwellings are authorized by this title pursuant to the authority established by Sections 65852.2 et seq. of the California Government Code.

b. Limitations on use.

(1) Accessory unit only. A Secondary Dwelling Unit shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 23.08.032e) or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary dwelling unit pursuant to this section.

(2) Occupancy of primary and secondary units restricted. No secondary dwelling shall be approved pursuant to 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 pursuant to Chapter 23.10 of this Title.

c. Limitations on location.

(1) Excluded areas. A Secondary Dwelling Unit shall not be allowed within the following areas. In such areas, secondary dwelling units are deemed to be incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such 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 subject to erosion:

(i) South Bay. The South Bay urban area as defined by the Land Use Element, Estero area plan, except that where the site and secondary dwelling unit satisfy the following provisions, a detached unit may be allowed.

a. Within the Residential Single-Family category.

1. Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or

2. Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or

3. Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.

b. Other allowed land use categories.

1. Where the site is two acres (net) or larger and the site is served by community water or sewer.

2. Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.

(ii) Specific subdivisions. Secondary dwelling units are not allowed within the following tract: 159.

(iii) Regional Water Quality Control Board (RWQCB) exclusion. All areas of the county where the RWQCB has issued a notice of resource constraint through moratoria or other means.

d. Permit requirement. Plot Plan approval is required in all areas where Secondary Dwelling Units are allowed. For a secondary dwelling meeting the definition of appealable development pursuant to Coastal Zone Land Use Ordinance Section 23.01.043(c), a public hearing is not required. Instead, a notice shall be filed in accordance with Coastal Zone Land Use Ordinance section 23.02.070(b). The notice shall be provided to all property owners within 300 feet of the subject property and to all residents within 100 feet. In addition to the items listed in 23.02.070(b), the notice shall state that the project may be appealed to the California Coastal Commission. Nothing in this section shall exempt secondary dwellings from meeting any applicable Local Coastal Plan policies. Notice of Final County Action is required in accordance with Coastal Zone Land Use Ordinance section 23.02.036.

e. Application content. In addition to the information required by Section 23.02.030, information submitted with the Plot Plan application shall also indicate whether or not there are conditions, covenants or restrictions applicable to the site that would prohibit a Secondary Dwelling Unit. This information will not be grounds for county denial of a permit.

f. Minimum site area. A secondary dwelling may be established pursuant to this section 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.

(3) One acre (gross) where community water and on-site sewage disposal systems 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 of the Land Use Element, the larger area shall be required.

g. Design standards:

(1) The following standards 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 6 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 the 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 23.01.044 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. Alternatives to the design standards of subsections g. of this section may be approved by the Review Authority pursuant to Section 23.02.033 (Minor Use Permit). These standards are the only provisions of this section subject to such action. The maximum size of unit as set forth in Subsection g(1), and the maximum size of the garage workshop as set by Subsection g(6), cannot be modified except by a Variance (Section 23.01.045). The maximum distance from the primary unit may be adjusted in compliance with Section 23.02.033 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:

(i) Locating the secondary dwelling within the distance as set forth in subsection g(1) would necessitate the removal of, or impact to, any of the following:

(a) Existing improvements, such as detached accessory structures, swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.

(b) Environmentally Sensitive Habitat Areas or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

(c) Significant topographic features (including but not limited to, steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.

(d) Archaeological resources Alternatives to the design standards of subsections g. and c(2) of this section may be approved by the Review Authority pursuant to Section 23.02.033. These standards are the only provisions of this section subject to such action.

(e) Prime agricultural land and soils.

(f) Significant public views.

h. **Parking.** A Secondary Dwelling Unit shall be provided one off-street parking space per bedroom up to a maximum of two spaces, in addition to those required for the primary residence by Section 23.04.166c(5) (Required Parking Spaces - Residential Uses), and such parking space shall be located, designed and constructed pursuant to Sections 23.04.163, 164 and 168, 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

i. **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.

[Amended 1992, Ord. 2570; 1992, Ord. 2591; 1995, Ord. 2715; 1995, Ord. 2740; 2006, Ord. 3098]

23.08.170 - Resource Extraction (S-9): This chapter sets special standards for resource extraction activities including oil, gas and geothermal wells, surface mining and reclamation, and underground mining, where such uses are designated S-9 by Coastal Table O, Part I of the Land Use Element. These standards are organized as follows:

23.08.172 Resource Extraction Wells
23.08.173 Drilling Permit Requirements
23.08.174 Development Standards
23.08.178 Water Wells and Impoundments
23.08.180 Surface Mining and Reclamation
23.08.181 Surface Mining Practices
23.08.182 Permit Requirements for Surface Mining
23.08.183 Reclamation Plan
23.08.184 Financial Assurances for Guarantee of Reclamation
23.08.185 Public Records
23.08.186 Annual Review
23.08.187 Nuisance Abatement
23.08.190 Underground Mining

[Amended 1995, Ord 2715]

23.08.172 - Resource Extraction Wells: The purpose of these sections is to provide 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 disposal of petroleum and other hydrocarbons and of any operations accessory thereto. The provisions of these sections are intended to supplement regulations administered by the California State Division of Oil and Gas, to address particular problems in San Luis Obispo County which do not apply generally throughout the state. Such 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.

A drilling permit shall be obtained to authorize wells for extraction of oil, gas, geothermal steam or any other subterranean resource except water, whether for purposes of exploration or production. (Water wells are instead subject to the provisions of Section 23.08.178 of this chapter and Chapter 8.40 of this code.) Such operations shall be conducted in accordance with the standards in Sections 23.08.173 through 23.08.174. Exploratory wells are those drilled to explore for subterranean resources, including verifying their location, extent, or determining the feasibility of commercial extraction. Production wells are permanent installations for the extraction and preparation for transportation of a proven resource. (Note: The extraction of petroleum from oil sands or shales by any method other than wells is subject to the standards of Sections 23.08.180 through 23.08.187 for surface mining operations).

[Amended 1992, Ord. 2591]

23.08.173 - Drilling Permit Requirements: A drilling permit shall be obtained to authorize wells for the extraction of oil, gas, geothermal steam or any other subterranean resource except water (water wells are instead subject to section 23.08.178 of this chapter and chapter 8.40 of this code), whether for purposes of exploration or production, as follows:

23.08.173

a. **Exploratory well permit.** Exploratory wells are those drilled to explore for subterranean resources, including verifying their location, extent, or determining the feasibility of commercial extraction.

(1) Minor Use Permit approval is required for an exploratory resource extraction well, except as provided by subsection a(2) of this section.

(2) Development Plan approval is required where drilling is proposed:

(i) Within an urban or village reserve line;

(ii) Within the Residential Suburban land use category;

(iii) Within a Sensitive Resource Area;

(iv) 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) Development Plan 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 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 23.02, (Permit Applications) drilling permit applications are to 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 23.02, 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:

(i) 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.

(ii) A schedule for applications and approvals for actions by other responsible agencies.

(iii) 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 1992, Ord. 2591]

23.08.174 - Development Standards for Resource Extraction Wells: 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 is to post a surety bond in the sum of $5000 per well, in favor of the county, that the applicant (who shall be named in the bond) shall faithfully comply with all applicable conditions, restrictions, and requirements of this Title and, any conditions required by the applicable review authority, 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 pursuant to this title. The bond shall secure the San Luis Obispo County 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.

b. **Site development.**

(1) **Roads and access.** Roadwork and grading for drillsite preparation shall be limited to that necessary for site access and shall be designed and orientated 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 drillsite access roads and site preparation, as determined by Section 23.05.020 (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. Topsoil 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.

(4) **Drilling within a community.** The following standards apply to drilling operations within urban or village reserve lines or Residential Suburban land use categories:

(i) **Portable rig required.** Drilling operations shall utilize portable drilling apparatus only, which shall be removed from the site within five calendar days from completion of drilling.

(ii) **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 Planning 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 is to 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 is to 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 Planning Director within 10 days after completion 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, are to be removed from the site and the sumps filled, except as provided in subsection b(3) of this section, for drilling in urban areas. After completion of drilling, any necessary servicing or maintenance of wells may utilize 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 is to be screened, and the entire extraction site, including disturbed areas not directly related to the extraction are to 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 are to 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 are to 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 Development Plan approval. Oil produced thereafter is to 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 are to 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 are to be operated by electric motors or muffled internal combustion engines. Pumping units within urban or village reserve lines or Residential Suburban land use categories are to 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 23.06.040 (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:

(i) Immediately stop, contain, or correct the unauthorized action or inaction.

(ii) Within 30 days of the violation, inform the Planning 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 of planning and building. The applicant shall pay the costs of such inspections pursuant to 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, including recontouring as necessary, and revegetated to achieve a natural-appearing condition which will approximate their original vegetative and topographic state.

(3) The applicant shall notify the Planning 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 California Department of Conservation, Division of Oil and Gas, and the applicant shall provide the Director of Planning and Building a copy of the response received from the division of oil and gas regarding completion of abandonment in accordance with their requirements.

23.08.178 - Water Wells and Impoundments: Water wells and surface water impoundments including constructed ponds, lakes or reservoirs are subject to the provisions of this section.

a. **Permit requirement.** Water Wells and Impoundments that are appealable to the Coastal Commission pursuant to Section 23.01.043 of this Title require approval of a Minor Use Permit, unless a Development Plan is otherwise required. All water wells are also subject to the requirements of Section 8.40 of this code. Non-appealable development shall be as follows:

(1) **Wells.** Plot Plan and as set forth in Chapter 8.40 of this code.

(2) **Impoundments.** Plot Plan approval unless another permit is otherwise required by Chapter 23.03 of this title.

b. **Well monitoring required.** In some areas of the Coastal Zone groundwater is limited and extraction must be monitored to satisfy the requirements of the California Coastal Act. All water well permit applications within the Coastal Zone shall be reviewed by the County Engineer to determine if participation in a water monitoring and management program is necessary to assure maintenance of a safe and adequate groundwater supply. The manner in which a permit applicant shall participate in the monitoring program, including the frequency and type of reporting shall be determined by the County Engineer.

[Amended 1992, Ord. 2591]

23.08.180 - Surface Mining and Reclamation: 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.

a. **Purpose and intent.** These sections 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.). The purpose of these sections is the regulation of surface mining and related mineral extraction operations within the county. The intent is to provide for 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. **Surface mining operations - 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 here.

c. **Exceptions:** The provisions of Sections 23.08.181 through 23.08.192 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:

(i) A grading permit is required for such exploration pursuant to Section 23.05.020 (Grading); and

(ii) Each such site is restored to a natural appearing or otherwise usable condition to the approval of the Director of Planning and Building 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 Section 23.05.020 (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 pursuant to Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.

d. **Conflicting provisions.** Where any conflicts arise as to materials, methods, requirements, and interpretation of different sections between this chapter, and Section 23.05.020 (Grading), the most restrictive shall govern.

[Amended 1992, Ord. 2570; 1995, Ord. 2715]

23.08.181 - 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 1995, Ord. 2715]

23.08.182 - Permit Requirements for Surface Mining:

a. **New surface mining operations.** Development Plan approval shall be obtained before starting any surface mining operations as defined in this chapter, except as provided in subsection b of this section. New mines shall be limited to a maximum of one operator per site, and such operator shall take full responsibility for reclamation per Section 23.08.184.

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 23.08.183 and 23.08.184. Provided, however, that Development Plan 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 pursuant to the approval of a new Development Plan 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 public hearing will be held pursuant to Section 23.01.060. 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. 2584; 1995, Ord. 2715]

23.08.183 - 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 23.08.182.

(2) Active surface mining operations.

(i) 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 Planning Department a reclamation plan for all operations conducted and planned after January 1, 1976. Provided, however, that a reclamation plan need not be filed if:

(a) 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 accordance with that plan; or

(b) The owner/operator files a letter with the Planning Department stating that the mine is being temporarily deactivated, and agreeing to file a reclamation plan as set forth in subsection a(3) of this section before resuming operations; or

(c) Surface mining operations were completed before January 1, 1976.

(ii) 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 23.08.183 (b,c & d), subject to the other provisions of this chapter.

(3) Temporarily deactivated surface mining operations:

(i) 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 Development Plan and/or Reclamation Plan.

(ii) 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 23.01.042.

(iii) 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 accordance 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 accordance with its approved Reclamation Plan.

(iv) 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 accordance 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 of Planning and Building, 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 of Planning and Building.

(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:

(i) wildlife habitat;

(ii) backfilling, regrading, slope stability, and recontouring;

(iii) revegetation;

(iv) drainage, diversion structures, waterways, and erosion control;

(v) agricultural land reclamation;

(vi) building, structure, and equipment removal;

(vii) stream protection, including surface and groundwater;

(viii) topsoil salvage, maintenance, and redistribution;

(ix) 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:

(i) the beginning and expected ending dates for each phase;

(ii) a clear description of all reclamation activities;

(iii) criteria for measuring completion of each specific activity;

(iv) estimated costs for each phase of reclamation as described in Section 23.08.184.

(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 23.02.033 (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 of Planning and Building has determined that the surface mining operation was established in accordance 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 are to be filed with, and approved by the county using the same procedure required for approval of a reclamation plan by subsection d of this section.

[Amended 1995, Ord. 2715]

23.08.184 - 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 23.02.060 (Guarantees of Performance). The amount of financial assurances shall be determined and processed as follows:

(1) 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 of Planning and Building. 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.

(2) Two copies of the cost estimates, including documentation of the calculations, shall be submitted to the Director of Planning and Building 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 of Planning and Building.

(3) 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 accordance 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.

(4) 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 accordance with the approved reclamation plan.

[Amended 1995, Ord. 2715]

23.08.185 - Public Records: Reclamation plans, reports, applications, and other documents submitted pursuant to 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 Section 2778 of the Public Resources Code).

23.08.186 - Annual Review: A 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 is to 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, pursuant to Section 2774 of the Public Resources Code and as described in Section 23.10.022 of this title.

[Amended 1995, Ord. 2715]

23.08.187 - Nuisance Abatement: Any surface mining operation existing after January 1, 1976, which is not conducted in accordance with the provisions of the chapter, constitutes a nuisance and shall be abated pursuant to Chapter 23.10 (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.

23.08.190 - 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.** Development Plan 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 Section 23.05.020 (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 (Section 23.08.180 through 23.08.187).

[Amended 1995, Ord. 2715]

23.08.192 - 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 Engineer, the resource extraction operation would impact the county road to a degree that would likely cause the expenditure of additional maintenance funds, the applicant is to 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 Engineering Department to deposit into the county road fund a sum to be determined by the county Engineer 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.

[Amended 1995, Ord. 2715]

23.08.200 - Retail Trade (S-10): The following standards apply to any retail trade use identified as an S-10 use by the Land Use Element (see Coastal Table O, Chapter 7, Part I of the Land Use Element). The standards are organized into the following sections:

23.08.201	Auto and Vehicle Dealers and Supplies
23.08.202	Service Stations
23.08.203	Building Materials Sale
23.08.208	Eating and Drinking Places and Food and Beverage Retail sales in Non-Commercial Categories

[Amended 1992, Ord. 2591]

23.08.201 - Auto and Vehicle Dealers and Supplies: Auto and Vehicle dealers and Supplies 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. ATV sales businesses that involve ATV rental are also subject to the provisions of Section 23.08.070d. Mobilehome dealers are not allowed in the Commercial Retail category.

a. **Limitations on use.** Auto and Vehicle dealers are limited to new and/or used automobiles and motorcycles (including mopeds). In a central business district, such new Auto and Vehicle Dealerships are allowed provided all autos and vehicles for sale are stored, displayed and serviced entirely within a building.

b. **Permit requirement.** Minor Use Permit approval.

c. **Access.** From a collector, arterial or freeway frontage road, or a local street in an auto sales park development.

d. **Setbacks.** A minimum 10-foot landscaped setback is required from all street frontage property lines.

e. **Outdoor use.** The outdoor display or storage of vehicles is allowed subject to the standards of Section 23.08.144 (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 1992, Ord. 2591]

23.08.202 - Service Stations: Establishments defined as Service Stations by the Land Use Element and identified as allowable, S-10 uses in the Recreation, Commercial Retail, Commercial Service and Industrial categories, are subject to the standards of this section.

a. **Permit requirements.** Minor Use Permit approval.

b. **Location criteria.** The location of service stations is to be as follows:

(1) No new station shall be located adjacent to a lot in the Residential Single Family category.

(2) Street characteristics: A service station is to be approved only at locations which meet the following standards for street access:

(i) At any intersection where at least one intersecting street is a collector or arterial; or

(ii) Between intersections on an arterial, provided that such location is at least 1,000 feet from any intersection with another arterial; or

(iii) 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 b(2)(i) and b(2)(ii) of this section.

c. **Minimum site area.** 15,000 square feet, with minimum dimensions of 125 feet on all street frontages.

d. **Site design criteria.** In addition to the other applicable standards of this Title, the following are applicable to service stations:

(1) Setbacks.

(i) **Pump islands.** 18 feet from any street right-of-way.

(ii) **Buildings.** 10 feet from any street right-of-way.

(iii) **Adjacent to multi-family use.** A 10-foot landscaped setback is to 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 are to be a minimum width of 30 feet, and are to be 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 is to be located adjacent to all street frontages, exclusive of driveway areas. The total area of landscaping is to be a minimum of 20% of the total site area.

(5) **Signing.** Service station signing is allowed as follows:

(i) **Total area.** The total area of all signs on a service station site is not to 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.

(ii) **Freestanding signs.** Freestanding signs are permitted, provided that there is not to 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 is not to exceed 60 square feet.

(iii) **Price signs.** One price sign is allowed for each site frontage, not to exceed 12 square feet.

(iv) **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.

(v) **Freeway identification signs.** See Section 23.04.310c(3).

e. **Repair activities.** All areas set aside for repair activities allowed by the Land Use Element (Section D, Chapter 7, Part I) in conjunction with a service station are to be entirely within a building.

[Amended 1992, Ord. 2591]

23.08.203 - Building Materials and Hardware: Such establishments in a Commercial Retail category are subject to the following standards:

a. **Permit requirements.** As determined by Chapter 23.03 (General Permit Requirements).

b. **Enclosure required.** In the Commercial Retail category, all building materials sales activities and storage are to be enclosed within a building.

[Amended 1992, Ord. 2591]

23.08.208 - Stores and Restaurants in Non-Commercial Categories: When eating and drinking places or food and beverage retail sales are identified as S-10 uses in the Agriculture (non-prime soils), Recreation, Residential and Office and Professional categories, the following standards apply:

a. **Limitations on use.**

(1) **Eating and drinking places.**

(i) Bars or other drinking 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 categories.

(ii) Dancing and other entertainment activities normally secondary to a restaurant are not allowed in a residential category.

(iii) An accessory restaurant may be established in the Agriculture land use category where there is an existing conforming visitor-serving use (e.g., wineries, riding stables, health resorts), and where the restaurant is clearly secondary and incidental in nature and size to the existing visitor-serving use.

(2) **Food and beverage retail sales.** In a residential category, such establishments are to be designed, located and of an appropriate scale to serve the needs of neighborhoods rather than the community. In the Office and Professional category, such establishments are to be designed and of an appropriate scale to serve the needs of the population in the Office and Professional category near the site of the establishment, rather than the entire community.

b. **Permit requirement.** Minor Use Permit approval in the Office and Professional category, Development Plan approval elsewhere.

c. **Minimum site area.** 6,000 square feet in urban areas, one acre in rural areas.

d. **Location and access.** In Residential categories, the site of a restaurant is to be located on a collector or arterial; the site of a store selling food or beverages for off-premise consumption is to 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 an accessory restaurant in the Agriculture (non-prime soils) category shall be located within 0 to 5 miles from an urban or village reserve line, and on or within one mile of an arterial or collector.

e. **Hours of operation.** The conduct of retail business in residential or agricultural areas is limited to the hours between 7:00 A.M. and 10:00 P.M., daily.

f. **Size of accessory restaurant.** The size of an accessory restaurant in the Agriculture (non-prime soils) category shall contain no more than 1,000 square feet of dining area, including any outdoor dining area(s).

[Amended 1992, Ord. 2591; 1995, Ord. 2715; 1995, Ord. 2740]

23.08.220 - Services (S-11): This section applies to any service use which is identified by Coastal Table O, Part I of the Land Use Element as an S-11 use. These standards are organized in the following sections:

23.08.222 Auto and Vehicle Repair and Service
23.08.226 Consumer Repair Services
23.08.228 Personal Services in Residential Categories
23.08.230 Printing and Publishing

[Amended 1992, Ord. 2591]

23.08.222 - Auto and Vehicle Repair and Service: This section applies to all auto repair and service activities defined in the Land Use Element as allowable in the Commercial Service and Industrial categories:

a. Repair and services other than self-service washing.

(1) **Permit requirement.** As determined by Section 23.03.042 (Permit Requirements) for retail trade and service uses.

(2) **Enclosure required.** All repair and service activities, and the temporary storage of vehicles while waiting for repair, service or bodywork are to 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.** Minor Use Permit approval, except when Section 23.03.042 (Permit Requirements), would require Development Plan approval.

(2) **Location.** A car wash is not to be located within 100 feet of a Residential Single Family land use category.

(3) **Access lanes.** Separate on-site access and egress lanes are to 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 are to be oriented so that the bay entrances and exists do not face an adjoining street. Access to the bays is to be one-way only.

(5) **Setbacks.** Structures are to be set back from site property lines at distances sufficient to provide the following features:

(i) **Waiting area.** An area 10 by 20 feet is to be provided adjacent to the entrance of each washing bay for a vehicle waiting to use the bay.

(ii) **On-site circulation.** The car wash structure, and waiting area described in subsection b(5)i above are to 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.

(iii) **Drying area.** An area is to 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 are to be provided at a ratio of two per washing bay.

(iv) **Adjacent to multi-family use.** A 10-foot landscaped setback is to be provided along the total length of any property line abutting a multi-family residential use.

(6) **Landscaping.** A 10-foot landscaping strip is to be provided across any street frontage of the site, exclusive of driveways.

(7) **Fencing.** The interior lot lines of a car wash site are to 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 1992, Ord. 2591; 1995, Ord. 2715]

23.08.226 - Consumer Repair Services: When located in a central business district established by the Land Use Element, a repair service which is a principal use (not accessory to retail sales on the same premises), is to be limited to hand-carried items, and is subject to the permit requirements of Chapter 23.03 (Permit Requirements). Repair services in the Commercial Retail category are not subject to this section when not located within a central business district.

[Amended 1992, Ord. 2591]

23.08.228 - Personal Services in Residential Categories: When a personal service use as defined by the Land Use Element is identified as an S-11 use in the Residential Single Family or Residential Multi-Family category, the standards of this section apply.

a. **Limitation on use.** Personal service uses allowable in a residential category are limited to beauty and barber shops, dry cleaning pick-up stores and laundromats.

b. **Permit requirement.** Minor Use Permit approval.

c. **Location.** At the intersection of two collectors, arterials, or combination of both.

d. **Minimum site area.** 6,000 square feet.

e. **Hours of operation.** The conduct of business by a personal service use in a residential area is limited to the hours between 7:00 a.m. and 10:00 p.m., daily.

[Amended 1992, Ord. 2591]

23.08.230 - Printing and Publishing: Printing and publishing uses as defined in Section D, Chapter 7, Part I of the Land Use Element are limited to "quick printing" services and newspaper publishers in the Commercial Retail land use category.

23.08.240 - Temporary Uses (S-17): Land uses and activities of a temporary nature are defined by the Land Use Element under temporary construction yards, temporary dwellings or offices and temporary events. When designated as allowable, S-17 uses by the Land Use Element, such uses are subject to the provisions of the following sections:

23.08.241	General Standards
23.08.244	Temporary Construction Yards
23.08.246	Temporary Dwellings and Offices
23.08.248	Temporary Events

[Amended 1992, Ord. 2591]

23.08.241 - 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.

23.08.244 - 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 pursuant to Section 23.08.246d) 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 23.08.024a (Accessory Storage - Building Materials and Equipment).

a. **Permit requirement:** A temporary construction yard may be authorized by the same Development Plan approval which allows the project being served by the construction yard; or through Minor Use Permit approval in all other cases.

b. **Site design standards:** To be determined through the review and approval process for either the project Development Plan proposals, or through the Minor Use Permit approval, in addition to the site design standards as set forth in Section 23.08.146c (Storage Yards - Site Design Standards).

c. **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 Planning Director. Prior to establishment of the use, all site restoration shall be guaranteed as set forth in Section 23.02.060 (Guarantees of Performance).

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.246 - 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 23.08.161; when a vehicle or temporary or relocatable building is proposed for use as an office for a sales lot (including mobilehome sales), such use is subject to the standards of Section 23.08.144 (Sales Yards and Swap Meets).

a. General requirements.

(1) Permit requirements. Plot Plan approval, which may be granted as part of the permit approval for the permanent construction on the same site as the temporary dwelling or office; or through Minor Use Permit approval in the case of a temporary business office (subsection c. of this section) proposed in advance of land use approval of a permanent office; except where Development Plan approval is otherwise required by subsection b through e of this section.

(2) Type of structure. A temporary dwelling or office may be a mobilehome, 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. A restroom within the temporary dwelling or a portable restroom approved by the Health Department in the case of a temporary office is to be provided. Sewage disposal for a restroom within a temporary dwelling or office is to 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) is to be as authorized by the Health Department. Water is to be supplied by a public water supply or on-site well. The temporary dwelling or office shall not be occupied until the dwelling or office 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 Section 23.04.166c(8) (Required Number of Parking Spaces), 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. of this section, which may be extended pursuant to Section 23.02.050 (Extensions of Time).

(6) Approved permanent use required. Temporary dwellings or offices are allowed only while an approved building permit <u>and</u> an approved land use permit are in effect for the permanent use (Section 23.02.052 - Lapse of Land Use Permit), except where other circumstances are authorized through Minor Use Permit approval or as otherwise provided in this section. A mobilehome shall not be authorized as a temporary dwelling where the permanent dwelling is also proposed to be a mobilehome.

(7) Removal of temporary dwelling or office: Temporary dwelling or office use is to be terminated before issuance of a certificate of occupancy or final building inspection approval of the permanent use.

(8) Location: Temporary dwelling or office use are to be located outside of the required setbacks.

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. The temporary dwelling shall only be occupied 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) of this section.

c. **Temporary business offices.** A temporary business office may be used as follows (these standards are not subject to modification pursuant to Section 23.08.012):

(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 tentative subdivision map , land use permit or Specific Plan approvals. 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 23.08.244) pursuant to 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 pursuant to Health Department approval.

[Amended 1992, Ord. 2591; 1995, Ord. 2715; 2004, Ord. 3001]

23.08.248 - Temporary Events: Where allowed as S-17 uses by the Land Use Element, temporary events are subject to the standards of this section. (Swap meets are subject to the standards of Section 23.08.144 - 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:

(i) Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or

(ii) 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 accordance with all applicable provisions of this title; or

(iii) 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 Engineer 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 is to 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 are to 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 is to 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.

(i) **Seated spectator events.** One parking space for each 12 square feet of seating area.

(ii) **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 accordance with the standards of this chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 23.02.060 (Guarantees of Performance).

[Amended 1995, Ord. 2715]

23.08.260 - Transient Lodgings: Overnight and short-term lodging facilities identified as allowable, S-12 uses by the Land Use Element (see Coastal Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.261 Bed and Breakfast
23.08.262 Hotels and Motels
23.08.264 Hotels, Motels - Condominium or Planned Development
23.08.265 Home Stays
23.08.266 Recreational Vehicle Parks
23.08.268 Temporary Construction Trailer Parks
23.08.269 Emergency Shelters

[Amended 1992, Ord. 2591; 1995, Ord. 2715; 2010, Ord. 3200]

23.08.261 - Bed and Breakfast Facilities: The following standards apply to bed and breakfast facilities located in other than the recreation, office and professional 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 23.08.262 (Hotels, Motels). The provisions of this section do not apply to the rental of bedrooms in a residence to the same tenant(s) 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 an existing single-family dwelling that has been determined by the Review Authority to be of historical or architectural interest except: 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 stables, health resorts), 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 facility where such facility is approved with a Minor Use Permit.

(a) A bed and breakfast facility authorized pursuant to subsection (i) of this section may be allowed in addition to the number of residences allowed by Section 23.04.080 et seq.

(b) A bed and breakfast authorized pursuant to subsection (i) of this section shall only be subject to the provisions of subsections b, e, f and g of this section. Additional operational standards shall be set through Minor Use Permit approval.

(2) A bed and breakfast with three or less guest rooms shall be 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 bed and breakfast shall provide no more than the following number of guest rooms, with the rest of the dwelling being used solely by the family in permanent residence:

(1) A bed and breakfast in the Agriculture (non-prime soils), 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. **Permit requirements.** The following land use permit requirements are in addition to a Health Department permit, which is required wherever food is served to lodgers:

(1) Plot Plan approval for a bed and breakfast with three or less guest rooms in all allowable land use categories.

(2) Minor Use Permit approval for any bed and breakfast with four or more guest rooms.

d. **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 Minor Use Permit approval where the residence is to contain three or less guest rooms and through Development Plan approval where the residence is to contain four or more guest rooms.

e. **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.

f. **Minimum site area.**

(1) One acre in rural areas;

(2) Equal to the minimum parcel size required by sections 23.04.020 et seq. in urban and village areas.

g. **Parking required.** Two spaces, plus one space per transient lodging unit. Bed and breakfast facilities shall not utilize 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 pursuant to section 23.04.168, the parking lot turnover for a bed and breakfast facility is medium.

h. **Operation.** A bed and breakfast with three or less guest rooms shall be subject to the provisions of sections 23.08.030b, c., d., e., g., h. and i. of this chapter for home occupations.

[Amended 1992, Ord. 2591; 1995, Ord. 2715; 1995, Ord. 2740]

23.08.262 - Hotels, Motels:

a. **Limitation on use.** Transient lodgings in the Public Facilities category are limited to hotels and motels in conjunction with public airport or port facilities.

b. **Permit requirement.**

(1) **Two to 39 units.** Minor Use Permit approval, except that Development Plan approval is required for all hotels and motels in the Recreation category.

(2) **40 or more units.** Development Plan approval.

c. **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 and the Land Use Element without the need for modification, adjustment or variance of such standards.

d. **Parking.** Hotels and motels shall provide off-street parking as set forth in Section 23.04.166c(9) (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 Section 23.04.166c of this title, in addition to the parking required for the hotel or motel.

[Amended 1995, Ord. 2715]

23.08.264 - Hotels, Motels - Condominium or Planned Development: The standards of this section apply to hotels, motels which are condominium or planned development projects as defined in Section 1351 of the California Civil Code.

a. **Location:** Allowed uses shall be located only where specifically authorized by Planning Area Standards for a particular planning area of the Land Use Element and Local Coastal Plan.

b. **Limitation on Use:** Uses shall be limited as provided in Section 23.08.262.

c. **Permit Requirement:** Development Plan approval.

d. **Required Finding:** A Development Plan may be approved only if the Planning Commission 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.

e. **Density:** The density of hotel and motel units shall be as provided in Section 23.08.262.

f. **Design Standards:**

(1) **Required Hotel, Motel facilities:** Each hotel or motel shall include a 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 staff. This standard may be waived if the Planning Commission 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 the individual units, the number of kitchens and the amount of personal storage space shall be determined by the Planning Commission through Development Plan approval.

(3) **Parking:** Parking shall be provided as stated in Section 23.08.262, provided that the required ratio of parking for hotel and motel units (excluding additional facilities) shall not be exceeded. The Planning Commission may approve additional parking spaces for the exclusive parking of recreational vehicles.

g. **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 not more than a total of 14 days during the period from Memorial Day to Labor Day.

(3) The occupancy standards in subsections g(1) and g(2) of this section shall be included in the declaration of conditions, covenants and restrictions and recorded against all individual property titles.

h. **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. 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.

i. **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 Planning Commission through Development Plan 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 owner(s) of each unit.

j. **Conditions of Approval:** The Planning Commission 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.

[Amended 1993, Ord. 2603]

23.08.265 - Homestays. The following standards apply to Homestays located 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(s) 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.**

(1) A homestay shall be established only in an existing single-family dwelling.

(2) A homestay shall be 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 either the Residential Suburban or Residential Single Family land use categories 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.

c. **Permit requirements.** Plot Plan approval.

d. **Expansion of existing building.** Physical expansion of a residence to specifically accommodate homestay facilities or operations shall not be allowed.

e. **Minimum site area.**

(1) 1.0 acres in the Residential Suburban category.

(2) Equal to the minimum site area required by Section 23.04.044 for residential uses in the Residential Single Family category.

f. **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 pursuant to Section 23.04.168, the parking lot turnover for homestays is medium.

g. **Operation.** A homestay shall be subject to the provisions of Section 23.08.030a, b, c, d, and e of this chapter for home occupations.

h. **Exceptions to the standards.** None of the standards in this section shall be waived or modified pursuant to the exception provisions of Section 23.08.012.

[Added 1995, Ord. 2740]

23.08.266 - 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 mobilehome park located in the Recreation category. These standards apply in addition to all applicable provisions of Title 25 of the California Administrative Code.

a. **Permit requirements.** Development Plan approval, in addition to any permits required by the California State Department of Housing and Community Development.

b. **Location criteria.** Approval of a Development Plan application by the Planning Commission is to include a finding that the recreational vehicle park will not be excessively visible from a public road or Residential use, or that such visibility will be acceptably mitigated.

c. **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.

d. **Density.** The maximum density is to be 12 units per gross acre, not including any exterior public street right-of-way.

e. **Site design standards.**

(1) **Setbacks.** No part of a recreational vehicle is to 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 is to be located closer than 10 feet to any other RV or tent.

(2) **Recreation area and common open space.** In addition to the required setbacks (subsection e (1), "destination" (intended for more than overnight use) RV parks are to include common areas for recreational use by park occupants. Such areas are to 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. Such recreation areas are to be provided as follows:

(i) Parks having 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 (3) of this section.

(ii) Parks located within one mile of major public recreational facilities or within 1,000 feet of public hiking or riding trails or forested areas are to provide 400 square feet of recreation or common open space per unit, of which 20% is to be designed for active recreation.

(iii) Parks not meeting the criteria of subsections (2)(i) or (2)(ii) above are to provide 500 square feet of recreation or common open space per unit, of which 30 percent is to be designed for active recreation.

(3) **Playgrounds.** In addition to any recreation areas required by subsection e(2) of this section, at least one 800 square foot children's playground is to be provided for a park with 20 or more spaces, at a ratio of one such square foot area for each 60 RV spaces or campsites or fraction thereof. Such playground is to 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.** The width and improvement of roads and driveways within an RV park is to be as follows:

(i) **One way.** 18 feet wide if 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.

(ii) **Two-way divided.** 15 feet wide on each side of divider.

(iii) **Two-way.** 24 feet wide.

(iv) **Parking.** Parking along internal roadways is allowed only when a paved parking lane, eight feet wide is provided in addition to the roadway.

(v) **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.**

(i) **Water.** All recreational vehicle spaces are to be provided water supply hookups. Tent camping spaces are to 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 are to 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.

(ii) **Holding tank dump.** All recreational vehicle parks are to be provided with one holding tank dumping facility for each 100 RV spaces or fraction thereof, to be located near park exits.

(iii) **Restrooms.** No space or campsite is to 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 is to utilize plant materials with the capability of achieving 80% opacity within two years when viewed from the roadway. The Planning Commission may waive or adjust fencing and screening standards where terrain, natural vegetation or area character would make screening unnecessary or ineffective.

(i) **Street trees.** Street trees are to be planted where the park abuts a public road right-of-way. Trees are to 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.

(ii) **Interior trees.** Trees are to be planted in the park interior in all common and recreation areas.

[Amended 1995, Ord. 2715]

23.08.268 - 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 pursuant to this section.

a. **Definitions.** The following terms are defined for the purposes of this section:

(1) Major rural area construction project means 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 development plan approval.

(2) Recreational vehicle space means 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 means Title 25 of the California Administrative Code.

b. **Permit requirement.** Development Plan approval, which may occur in conjunction with development plan approval for the construction project itself, in addition to all authorizations required by the California Department of Housing and Community Development pursuant to Title 25 of the California Administrative Code.

c. **Application requirements.** The Development Plan 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.

d. **Limitation on duration of park.**

(1) **Time for removal.** Except as otherwise provided by subsection d(2) of this section, 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 d(1) of this section, if extended by the Planning Commission through approval of a request for extension from the applicant before the expiration of one year; or if extended through the approval of another Development Plan authorizing use of the park to support another approved major rural area construction project. Extensions of time without additional development plan approval may be granted by the Planning Commission 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 pursuant to section 23.02.060 Of this title before establishment of the park, in an amount to be determined through condition approval of the Development Plan.

e. **Location criteria.**

(1) A Temporary Construction Trailer Park shall not be located closer than 1500 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 Planning Commission finds that:

(i) 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

(ii) There is not a site with suitably limited visibility within a reasonable distance of the construction project.

f. **Minimum site area.** Five acres.

g. **Site design and development standards.** The design and development of a Temporary Construction Trailer Park shall be in accordance with the provisions of title 25 of the California Administrative Code 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% 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 Planning 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 slates 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.**

(i) **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 pursuant to a permit from the health department.

(ii) **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.

(iii) **Power.** Electrical hookups shall be provided at 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.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.269 - Emergency Shelters: The following standards apply to emergency shelters, which include housing with minimal support services to homeless persons. Emergency shelters are not allowed outside of urban reserve lines.

a. **Permit requirement**. Minor Use Permit on sites in the Public Facility, Commercial Service, and Industrial land use categories within urban reserve lines.

b. **Maximum number of persons**. An emergency shelter facility may allow up to 100 persons.

c. **Onsite waiting and client intake areas**. A minimum of seven percent of the total square footage of an emergency shelter shall be designated for indoor onsite waiting and client intake areas.

d. **Management.**

(1) A minimum of one on-site or on-call manager or supervisor plus additional trained staff and volunteers for up to 50 shelter beds. A minimum of two on-site or on-call managers or supervisors plus additional trained staff and volunteers for 51-100 shelter beds. On-site or on-call management shall be provided during hours of operation.

(2) The emergency shelter provider shall submit a Neighborhood Relations Plan for review and approval by the Planning Director. The Plan shall include regular meetings between the emergency shelter provider and the surrounding neighborhood, a 24-hour contact for questions or complaints, and other provisions for addressing potential neighborhood concerns.

e. **Proximity to other emergency shelters**. No emergency shelter shall be within a 300 foot radius from another emergency shelter.

f. **Length of stay.** Individual occupancy is limited to six consecutive months or less. However, individual emergency shelter occupancy policies apply. Emergency shelter providers may allow clients to stay more than six months if no subsequent housing has been identified.

g. **Lighting.** External lighting shall be provided for security purposes, and shall be in compliance with the provisions of Section 23.04.320.

h. **Security during hours of operation.** The emergency shelter provider shall submit a Security Plan for review and approval by the Planning Director. The Plan shall include security cameras or other appropriate security measures.

[Added 2010; Ord. 3200]

23.08.280 - Transportation, Utilities and Communication (S-13):
Transportation and Public Utility Facilities identified as allowable, S-13 uses by the Land Use Element (see Coastal Table 0, Part I of the Land Use Element) are subject to the following sections:

23.08.282	Airfields and Landing Strips
23.08.284	Communications Facilities
23.08.286	Pipelines and Transmission Lines
23.08.288	Public Utility Facilities
23.08.290	Vehicle Storage
23.08.300	Electric Generating Plants

[Amended 1992, Ord. 2591]

23.08.282 - Airfields and Landing Strips: The standards of this section apply to airfields, landing strips 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 of Supervisors hereby delegates to the San Luis Obispo County Planning Commission the authority to approve plans for construction of proposed airports and heliports, as provided by this section.

a. **Limitation on use.** Airfield and heliport uses within the Office and Professional and Commercial Service land use categories are limited to heliports.

b. **Permit requirement.** Development Plan 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 Development Plan shall be subject to a condition of approval which requires airport or heliport construction in accordance with the approved plan for construction. Buildings or uses accessory to an airport or heliport are subject to any permit requirements and standards of this code applicable to each use.

c. **Location criteria.**

(1) **Agricultural and Personal Use facilities.** To be located only within an Agriculture or Rural Lands category, no closer than 2,500 feet to an urban reserve.

(2) **Restricted Use facility.** To be located outside of and not 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 are to 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:

(i) An existing residential use outside the ownership of the airfield;

(ii) An urban or village reserve line;

(iii) Any area within a Residential Suburban, Single Family or Multi-Family or Commercial Retail category; [Amended 1992, Ord. 2591]

Except for an emergency heliport established to support a medical, fire protection or other public safety facility.

(3) **Public Use facilities.** To be located only within a Public Facility land use category.

d. Operational requirements.

(1) **Agricultural or Personal Use facility.** Based aircraft are to 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 are to be based at the strip.

e. Permit processing.

(1) A land use permit or exemption from the State Department of Transportation, Division of Aeronautics is to be obtained for all airfields and heliports. Prior to establishment of an airfield or heliport, the applicant is to file with the Planning Department 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 are to be established for the surrounding area in accordance with current Federal Aviation Administration regulations. Such height limitations are to be established by:

(i) Amendment of the Land Use Element to establish an Airport Review area combining designation around the airport; or

(ii) Execution of easements with each property owner over whose property such height limits are to apply, with such easements to run with the land and contain restrictions on the height of structures or vegetation which are in accordance with FAA regulations.

[Amended 1992, Ord. 2591]

23.08.284 - Communication Facilities: The requirements of this section apply to Communication Facilities (where designated as S-13 uses by Coastal Table O, Part 1 of the Land Use Element and defined in Chapter 6, Section D) 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. Communication Facilities in the Residential Suburban, Single and Multi-Family land use categories shall be limited to those facilities specified in subsection b.

a. Permit requirements.

(1) In addition to the emergency repair and the general permit requirements of sections 23.08.286a. and b., Development Plan approval is required for any new facility or modification of any existing facility which would increase the power output or the power received, or the structure heights above those specified in section 23.04.120-24, 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 Chapter 23.06 of this title.

(2) 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, the extent that measurable fields extend in all directions from the facility.

b. Wireless Communication Facilities.

(1) Permit Requirement.

(i) Minor Use Permit.

(a) Existing Structures. Installation proposed on existing structures (buildings, water tanks, signs etc.), existing electric transmission towers, or any other applicable existing structure.

(b) Co-location. Wireless communication system antenna 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).

(ii) Development Plan. Required for any wireless communication antenna or other similar equipment not meeting subsection (i).

(2) Application contents. In addition to all information required by Chapter 23.02 of this title, and Section 23.08.286b(3), the applicant shall submit the following information:

(i) 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.

(ii) 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.

(iii) 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. Such information shall include:

(a) Whether it is feasible to locate proposed sites where facilities currently exist.

(b) 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.

(c) Written notification of refusal of the existing structure owner to lease space on the structure.

(iv) A written report and map indicating all locations in the vicinity of the proposed project site where:

(a) the location and height meet the minimum coverage requirements for the applicant's network;

(b) a lease with the property owner can be obtained; and

(c) the property is feasible for construction of a wireless communication facility shall be provided, in addition to visual simulations of the preferred location from major public view corridors. In instances where the wireless communication facility may impact views to and along the ocean or public view corridors, or is located on a ridgeline, a designated historic site or structure, or within a historic district, a detailed visual analysis of the facility shall be submitted (this shall include but, may not be limited to, a thorough evaluation of all alternative sites and facility design that wold avoid, or minimize the maximum extent feasible, impacts to views to and along the ocean and visibility form major public view corridors). A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer stimulation or other means.

(v) Wireless communication projects located on privately-owned land within the Open Space land use category shall provide evidence of a recorded open space agreement for the parcel in questions, executed between the property owner and the County (if the property is not already subject to such n agreement).

(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.

(i) Setbacks. As set forth in Section 23.04.106 et seq. except where locating the facility outside those setbacks is the most practical and unobtrusive location possible on the proposed site.

(**ii)** Co-location. Applicant shall pursue placement of facilities in the following **preferential** order:

(a) 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

(b) Within existing signs when blended within or on existing signage to be completely hidden from public view; or

(c) Atop existing structures (buildings, water tanks, etc) with appropriate visual/architectural screening to be completely hidden from public view; or

(d) Existing monopoles, existing electric transmission towers, and existing lattice towers; or

(e) New locations.

(iii) **Signs.** No sign of any kind shall be posted or displayed on any antenna structure except for public safety warnings.

(iv) **Site Location.** Site location and development of wireless communications facilities, including all support facilities, shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses and shall not significantly impact public views. Facilities hall be integrated to the maximum extent feasible to the existing characteristics of the site, and shall be sited to protect views to and along the ocean and scenic coastal areas, and to avoid visibility from major public view corridors. Every effort shall be make to avoid, or minimize to the maximum extent feasible, visibility of a communication facility above a ridgeline from major public view corridors. Compliance within this standard may require the consideration of an alternative site other than the site shown on an initial permit application for a wireless facility.

(vi) **Screening.** If wireless communication facilities, including all support facilities, cannot be located completely out of major public view corridors and screening with existing vegetation is not feasible, to the maximum extent feasible, antennas and all support facilities shall be screened with new vegetation or landscaping, earthen berms, or 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.

(vii) **Site disturbance.** Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility. In no case shall the installation of a wireless communication facility be allowed where a significant disturbance of Environmentally Sensitive Habitats (ESH) would result.

(viii) **Lighting.** Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

(ix) **Support facilities.** Support facilities (e.g. equipment rooms, utilities, and equipment enclosures) shall be constructed of non-flammable, non-reflective materials. All support facilities shall be of a color approved by the appropriate Review Authority, and thereafter repainted as necessary with a float paint color. Components of a telecommunication facility which will be viewed against soils, trees, or grasslands, shall be of a color matching these landscapes.

(x) **Historic site.** Where the wireless communication facility is proposed to be located on a designated historic structure, landmark, or district, the applicant shall comply with the regulations for development on a historic site pursuant to Section 23.07.102.

(xi) **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 six (6) months of cessation of telecommunication operations at the site.

(i) **Restoration.** The site shall be restored to its natural state within six (6) months of termination of abandonment of the site. This shall be subject to a demolition/restoration plan approved by the Director of Planning and Building.

(ii) **Agreement.** The applicant shall enter into a site restoration agreement subject to approval of the Director of Planning and Building and County Counsel. As part of the agreement, the applicant shall commit to the following: where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant agrees to make those modifications that would reduce the visual impact of the proposed facility without any reduction in service levels.

(5) Any decision to deny a permit for a personal wireless service facility shall be in writing and must be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

[Added 1992, Ord. 2591; Amended 1999, Ord. 2885]

23.08.286 - Pipelines and Transmission Lines: This section provides standards for pipeline and communications transmission lines and related facilities, where designated as S-13 uses by Coastal Table O, Part I of the Land Use Element. 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 accordance 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
Plot Plan	Less than 40,000 square feet
Minor Use Permit	40,000 or more square feet

(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 provided that the exemption from grading permit does not apply to areas identified in Section 23.05.026h.

(3) Application contents. In addition to the application materials required by chapter 23.02, The application for a proposed new or replacement pipeline, electrical or communications transmission line is to be accompanied by documentation that the applicant:

(i) Is the owner of record of the land involved; or

(ii) Has easements or lease arrangements from the owners of record sufficient to carry-out the actions proposed; or

(iii) 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 requirement - pipelines.

(i) Where an existing or proposed pipeline is to be used for conveyance of toxic substances or highly volatile liquids (HVL) other than crude oil, and non-HVL liquefied petroleum products, development plan approval is required.

(ii) Development Plan approval is required for all surface facilities, pumping or booster stations for pipelines, except that such facilities included by Section d, Chapter 7, Part I of the Land Use Element under the definition of "Public Utility Facilities" are subject to the applicable permit requirements for that use.

(2) Application contents.

(i) A route-specific geologic investigation, design and mitigation program will be submitted as part of the land use permit application for proposed pipelines. At minimum, this program shall contain:

(a) A detailed geologic hazard investigation defining specific hazards;

(b) An engineering design component showing plans for each hazard identified;

(c) A geohazards mitigation component demonstrating how and to what extent each hazard is reduced; and

(d) 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.

(ii) Included in the land use permit application will be information on how construction at stream crossings will utilize low-flow periods, incorporate sediment retention devices and minimize time and area of disturbance.

(iii) A restoration, erosion control and revegetation plan shall be included in the grading permit application.

(iv) Where a pipeline is to be placed through a Sensitive Resource Area, the Development Plan application shall include a field survey by a qualified biologist to assess impacts to the important coastal resources identified in Energy and Industrial Development Policy 7 of the Local Coastal Program Policies Document.

(3) Required finding. A Development Plan application within an Environmentally Sensitive Habitat shall be approved only where the Planning Commission can find that the development will be consistent with Energy and Industrial Development Policies 7 through 12 of the Local Coastal Program Policies Document.

(4) Development standards.

(i) Underground pipelines. 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 Development Plan 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 planning 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) Restore the ground surface following underground installation to a condition compatible with adjacent properties and land uses.

(e) 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 such a spill.

(f) After startup, use of the pipeline right-of-way shall be restricted to operational maintenance, inspection, repair, and protection of the pipeline.

(ii) **Surface facilities.** To be determined through Development Plan approval.

(iii) **Pipelines near coastal bluffs.** Shall be designed to insure stability considering wave action and bluff erosion.

d. Electric Transmission Lines.

(1) Permit requirement.

(i) Emergency repair and general permit requirements, Sections 23.08.286a and b., apply to electric power distribution lines (i.e., less than 69kv design capacity).

(ii) Development plan 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 23.02 of this Title, 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 utilized, 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.

(3) **Required finding.** Electric power transmission line facilities shall be approved only where the Planning Commission can find that the development will be consistent with Energy and Industrial Development Policies 16 through 20 of the Local Coastal Program Policies Document.

(4) **Utility lines within public view corridors.** Where feasible, utility lines shall be underground when their placement would limit or detract from views of the ocean from collector or arterial roads. In all other cases, they shall be sited to minimize their visibility from public roads.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.288

23.08.288 - Public Utility Facilities: The requirements of this section apply to Public Utility Facilities where designated as S-13 uses by Coastal Table 'O', Part I of the Land Use Element. Public Utility Facilities for other than electric and communications transmission and natural gas regulation and distribution, require Development Plan approval pursuant to Section 23.02.034 (Development Plan).

a. **Permit requirements.** In addition to the emergency repair and the general permit requirements of section 23.08.286a and b., Development Plan approval is required for any new facility or modification of any existing facility in the Agriculture, Rural Lands, Residential, Office and Professional, and Commercial land use categories. Development Plan approval is required for any new facility or modification to any existing facility which would increase the structure heights above those specified in section 23.04.124 or modify any operational standards causing an increase in any of the categories specified in chapter 23.06 of this title.

b. **Application contents.** In addition to the application materials required by Chapter 23.02 (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 material 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, 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 Development Plan. Specific requirements of this environmental quality assurance program will be determined during the environmental review process and Development Plan review and approval process.

(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.

d. **Limitation on use, sensitive environmental areas.** Uses shall not be allowed in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats, or Hazard Areas, unless a finding is made by the applicable approval body that there is no other feasible location on or off-site the property. Applications for Public Utility Facilities in the above sensitive areas shall include a feasibility study, prepared by a qualified professional approved by the Environmental Coordinator. The feasibility study shall include a constraints analysis, and analyze alternative locations.

[Amended 1992, Ord. 2591]

23.08.290 - 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 23.08.144 (Sales Lots).)

a. **Limitation on use.** Vehicle storage establishments in the Commercial Retail and Office and Professional categories are to be limited to the temporary parking of automobiles, busses and self-propelled recreational vehicles.

b. **Permit requirements.** Minor Use Permit approval.

c. **Minimum site area.** 10,000 square feet.

d. **Access.** From a local street or greater.

e. **Development standards.** The design and development of parking areas is to be in accordance with Sections 23.04.160 et seq. (Parking), except that indoor parking facilities where all parking maneuvers are performed by attendants may use tandem parking.

[Amended 1992, Ord. 2591]

23.08.300 - Electric Generating Plants (S-20): Electric Generating Facilities identified as allowable, S-20 uses by the Land Use Element (see Coastal Table O, Part I of the Land Use Element) are subject to the following sections:

23.08.312	Electric Generating Plants - General Permit Requirements
23.08.313	Electric Generating Plants - General Development Standards
23.08.314	Steam Electric Generating Facilities
23.08.316	Wind Energy Conversion Facilities
23.08.318	Photovoltaic Generating Facilities
23.08.320	Hydro-Electric Generating Facilities
23.08.322	Co-Generating Electric Generating Facilities

[Amended 1992, Ord. 2591]

23.08.312 - Electric Generating Plants - General Permit Requirements: Except as may be modified below, the following general standards and specifications apply to all electric generating plants, S-20 uses:

a. **Permit requirements.** Except where county land use permit authority is preempted by State Law, and except where the provisions of sections 23.08.312 through 23.08.322 establish other permit requirements, 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 of grading or removal of natural ground cover) as follows:

Permit Requirement	Area of Site Disturbance
Plot Plan	Less than 40,000 square feet
Minor Use Permit	40,000 or more square feet

b. **General application contents.** In addition to any specific requirements later in this section, the land use applications shall follow the content, processing and time limit specifications of chapter 23.02 (permit applications) of this title, and are also to describe:

(1) The physical and operating characteristics of the facility; the proposed design capacity of the facility; the operating schedule; how the electric energy is to be utilized; and if any electric energy is to 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.

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.** 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.

e. **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.

[Added 1992, Ord 2591]

23.08.313 - Electric Generating Plants - General Development Standards: The following standards apply to all electric generating facilities:

a. **Bonding.** Following permit approval and prior to any work on the proposed site, the applicant is to 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 development plan review and approval process, and will be administered in accordance with section 23.02.060.

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 development plan. Specific requirements of this environmental quality assurance program will be determined during the environmental review process and development plan 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 sections 23.08.314 through 23.08.322, may be imposed through conditions of approval where minor use permit or development plan approval is required.

Thermal electric power plants with a generating capacity greater than 50 megawatts and related facilities shall not be sited in those areas designated by the California Coastal Commission, pursuant to Public Resources Code Section 30413, as areas where construction of an electric power plant would prevent achievement of the objectives of the California Coastal Act of 1976.

[Added 1992, Ord. 2591]

23.08.314 - Steam Electric Generating Facilities:

a. **Application contents.** In addition to the general requirements of section 23.08.312(2), 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) The fuel sources, delivery and storage systems and firing characteristics.

(4) The air pollution control system and emission characteristics.

(5) The 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 development plan approval process.

[Added 1992, Ord. 2591]

23.08.316 - Wind Energy Conversion Facilities (WECF):

a. **Permit requirements.** Minor Use Permit.

b. **Application contents.** In addition to the general requirements of section 23.08.312(b), an application for a wind energy conversion facility (WECF) shall describe:

(1) Location and elevation of proposed WECF.

(2) Location of all above-ground utility lines on-site or within one radius of the total height of the WECF.

(3) Location and size of structures and trees above 35 feet within a 500 feet radius of the proposed WECF.

c. **Development standards.** The following standards apply, in addition to those in section 23.08.312 of this title.

(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 must 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 accordance with good engineering practices. The engineer shall also certify the structural compatibility of proposed towers and rotors. Such certification would normally be 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.** Tower design and construction shall provide one of the following means of access control, or other appropriate method approved by the Planning Director:

(i) Tower-climbing apparatus located no closer than 12 feet from the ground;

(ii) A locked anticlimb device installed on the tower; or

(iii) 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 planning 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 feet 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. A modification may be granted by the Director of Planning and Building for good cause shown, however, in no case shall the turbine be located closer than three (3) 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 accordance with chapter 23.10 Of this title.

[Added 1992, Ord. 2591]

23.08.318 - Photovoltaic Generating Facilities:

a. **Application contents.** In addition to the general requirements of section 23.08.312(2), 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 1992, Ord. 2591]

23.08.320 - Hydro-Electric Generating Facilities - Application Contents: In addition to the general requirements of section 23.08.312, an application for a hydroelectric generating facility will 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 1992, Ord. 2591]

23.08.322 - Co-Generation Electric Generating Facilities:

a. **Application contents.** In addition to the general requirements of section 23.08.312(2), the application for a co-generating facility will contain the descriptions required in section 23.08.314 for steam electric generating facilities as applicable, and will 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 23.08.312, 23.08.313 And 23.08.314(b) apply.

[Added 1992, Ord. 2591]

23.08.400 - Wholesale Trade (S-19): Wholesale Trade uses identified as allowable, S-19 uses by the Land Use Element (see Coastal Table O, Part I of the Land Use Element) are subject to the following sections:

23.08.402 Warehousing
23.08.408 Wholesale and Distribution

[Amended 1992, Ord. 2591]

23.08.402 - Warehousing: The standards of this section apply to warehouse uses in the Agriculture, Rural Lands and Residential Multi-Family land use categories.

a. Limitation on use.

(1) Agriculture and Rural Lands. Warehousing uses in the Agriculture and Rural Lands categories are is limited to storage facilities that support approved agricultural production or processing operations conducted
on the same site.

(2) Residential Multi-Family. Warehousing in the Residential Multi-Family land use category is limited to mini-storage facilities.

b. Permit requirement. Minor Use Permit approval when located in the Residential Multi-Family category, provided that the applicable review authority shall first find that the proposed storage facilities are designed primarily to serve the needs of apartment residents in the same land use category.

c. Development standards - Residential Multi-Family category. Warehouse facilities in the Residential Multi-Family land use category are subject to the same site design and site development standards in Chapters 23.04 and 23.05 of this Title as Multi-Family Dwellings.

[Amended 1992, Ord. 2591]

23.08.408 - Wholesaling and Distribution: The standards of this section apply to Wholesaling and Distribution uses in the Agriculture and Rural Lands land use categories.

a. Limitation on use. Wholesaling and distribution uses in the Agriculture and Rural Lands categories are limited to facilities that support approved agricultural production or processing operations conducted on the same site.

b. Permit requirement. Minor Use Permit approval, unless Development Plan approval would otherwise be required by Section 23.03.042 (Permit Requirements) for wholesale trade uses.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

CHAPTER 9: NONCONFORMING USES

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23.09.010 - Purpose:

The purpose of these regulations is to control, improve or terminate uses that do not conform to the Land Use Ordinance.

23.09.012 - 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 such use is not identified as an allowed, special use or principally permitted use ("A" or "S" or "P" use) by Table O, Part I of the Land Use Element.

(2) A use of land that is identified as an allowed or special use by Table O, Part I of the Land Use Element, but:

(i) Is not allowable on the particular site because of planning area standards of the Land Use Element; or

(ii) Was lawfully established without the land use permit now required by this title; or

(iii) 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 which 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).

(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 1993, Ord. 2649]

23.09.020 - Right to Continue a Nonconforming Use:

A nonconforming use as defined by Section 23.09.012, 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 23.09.026 (Nonconforming Uses of Land) and 23.09.030 (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.

23.09.022 - 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 23.02.042) was lawfully completed before the effective date of any amendment to this title which creates a nonconformity.

23.09.026 - Nonconforming Uses of Land:

Any nonconforming use of land (Section 23.09.012a) may be continued as follows, except as provided by Section 23.09.033 (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, identified by Coastal Table O, Part I of the Land Use Element, 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 Development Plan approval authorizes a new use to be established subject to:

(i) Conditions of approval which require that the nonconforming use be brought into conformity within a specific time to be determined by the Planning Commission, not to exceed three years; or

(ii) Findings by the Planning 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 23.09.033 (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 23.09.036 (Nonconforming Parking).

d. **Single-family dwelling:** A detached single-family dwelling existing as a principal use, and any accompanying residential accessory uses (as defined by Chapter 7, Part I of the Land Use Element), may be continued as residential uses subject to subsection b. of this section, 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 pursuant to this standard shall be in accordance with all applicable provisions of Chapter 23.04, 23.05, 23.07 and 23.08 of this title.

e. **Destroyed structure:** When a structure that constitutes a nonconforming use of land is destroyed or partially destroyed, its restoration is subject to Section 23.09.033 (Destroyed Structures and Signs).

f. **Nonconformity due to lack of land use permit:** Any nonconforming use which 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 the approval of such permit. Proposals for farm support quarters pursuant to Section 23.08.167 of this title 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 which 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. 2540; 1992, Ord. 2547; 1995, Ord. 2715]

23.09.030 - Nonconforming Buildings, Structures or Site Development:

Any nonconforming building, structure or site development as defined by Section 23.09.012b may continue to be used as provided by this section (and Section 23.09.032 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 23.09.033 (Destroyed Structures and Signs).

The establishment of additional conforming buildings, structures or uses on the site may be allowed as provided by subsection b. of this section.

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 Development Plan approval for the proposed additional building, structure or use. Site Plan approval for farm support quarters unless this title would otherwise require Development Plan or Minor Use Permit approval.

(2) **Criteria for approval.** The approval body shall not grant a Minor Use Permit pursuant to this section unless it first determines that the existing building or structure satisfies the following requirements, or will be modified to meet such requirements as a result of conditions of approval.

(i) The existing building or structure shall be brought into conformity with all applicable provisions of Sections 23.05.080 et seq. (Fire Safety), Chapter 23.06 (Operational Standards), and provisions of Chapter 23.07 of this title relating to Airport Review, Flood Hazard and Geologic Study Areas.

(ii) 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 approval body 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 such correction is necessary to enable making the findings required for the approval of a Minor Use Permit or Development Plan by Sections 23.02.034c(4)(iii) through (v) of this title, 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 (an "A", "S" or "PP" use) by Coastal Table O, Part I of the Land Use Element; and

(2) The new use is established pursuant to the permit requirements and all other applicable provisions of this title, except:

(i) Modifications or alterations to the building may occur as provided by Section 23.09.030a; and

(ii) Where the building or site does not conform with the parking standards of Section 23.04.160 et seq. (Parking), substitution shall satisfy the provisions of Section 23.09.036 (Nonconforming Parking) instead of Sections 23.04.160 et seq.

[Amended 1992, Ord. 2540; Amended 1992, Ord. 2547]

23.09.032 - Nonconforming Signs:

The use of a legal nonconforming sign may be continued as follows, except as otherwise provided by Section 23.09.030c (Substitution of Use):

a. **Expansion - 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 pursuant to 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 pursuant to 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. of this section.

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 Section 23.04.300 et seq. (Signing). 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 Planning Commission and abated as set forth in Chapter 23.10 (Enforcement).

f. **Destroyed sign.** Restoration of a destroyed or partially destroyed nonconforming sign is subject to Section 23.09.033 (Destroyed Structures and Signs).

23.09.033 - 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 23.09.026) 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.** Replacement of a destroyed dwelling which 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. of this section. Replacement of a destroyed dwelling which 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 approval body can first find that:

(i) 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.

(ii) 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.

(iii) The agricultural uses on the site are likely to remain in operation over the life of the farm support quarters.

(iv) If the site is no longer designated by the Land Use Element as being in the Agriculture land use category, the approval body must also find that 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 approval body can first find that:

(i) Replacement of the dwelling will not act to hinder the orderly development of areas surrounding the site with land uses allowed by the current non-residential land use category.

(ii) 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.

(iii) In the case of destroyed dwellings which 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 pursuant to this section shall not be approved unless the application was filed with the Department of Planning and Building and accepted for processing pursuant to Section 23.02.022 (Determination of Completeness) within six months from the date of the destruction of the original dwelling.

23.09.034 - Nonconforming Keeping of Animals:

The keeping of types or numbers of animals not allowed by Section 23.08.046 (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, such use may be declared a public nuisance and abated pursuant to Chapter 23.10 of this title (Enforcement), where the use is found by the Board of Supervisors to be dangerous or to prevent the full use and enjoyment of neighboring properties.

[Amended 1992, Ord. 2570]

23.09.036 - Nonconforming Parking:

Where a site is nonconforming only as to off-street parking (Section 23.04.160 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 23.09.030c, and as follows:

(1) Where a substitute use is required by Sections 23.04.160 et seq. 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 such expansion may occur if parking is provided as required by Sections 23.04.160 et seq. for the area of the expansion only.

23.09.060 - 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 parcel size 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 pursuant to Government Code Section 66499.35.

23.09.060

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 an "A", "S" or "PP" use on Table O, Part I of the Land Use Element, subject to Sections 23.04.040 et. seq. (Minimum Site Area) and Section 23.04.048 (Lot Consolidation) except where otherwise provided by a planning area standard.

(2) Any group of nonconforming lots may be redivided, provided that:

(i) Such division is in accordance with all applicable requirements of Title 21 of this Code;

(ii) No parcel is less than the minimum area required by Section 23.04.048 (Lot Consolidation).

CHAPTER 10: ENFORCEMENT

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23.10.010 - Purpose:

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 such nuisances and violations.

23.10.020 - Enforcement Administration:

It shall be the duty of the San Luis Obispo County Sheriff, the Director of Planning and Building, the Chief Building Official and the employee(s) of the Department of Planning and Building designated by the director as code enforcement officer(s) 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 pursuant to 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 pursuant to Chapter 8.24 of the County Code.

h. To carry out any other special enforcement programs initiated by order or resolution of the Board of Supervisors, and any other responsibilities and authorities specified by this chapter or this Code.

23.10.022 - 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 6/18/91, Ord. 2445]

23.10.024 - 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 pursuant to this title or other titles of this Code.

23.10.030 - 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. **Hearing body:** An enforcement hearing shall be conducted by the hearing body assigned to the specific enforcement procedure by Sections 23.10.100 et seq.

b. **Conduct of hearing:** The appropriate hearing body shall conduct an Enforcement Hearing as follows:

(1) The hearing body 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 such 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 hearing body will deliberate upon the evidence and shall make findings upon such evidence to support any action of the hearing body to revoke approval or conditional approval, abate a nuisance, or deny an appeal on the forfeiture of a bond. Thereafter the hearing body shall issue its order to the respondent.

23.10.040 - Notices - Service and Release:

a. **Service of notice.** Any notice required pursuant to this chapter shall be served by the 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:

(i) 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 Enforcement Officer, then the notice shall be mailed to such person at the address of the premises affected by the proceedings.

(ii) Any lessees of record of the real property;

(iii) The record owner of any affected recreational vehicle, mobile home or other vehicle and any holders of security interest(s) in such recreational vehicles, mobile homes or other vehicles;

(iv) Any holder of a mortgage, deed of trust, lien or encumbrance of record on the real property; and

(v) 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 pursuant to this section and a hearing body 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 Enforcement Officer shall record a Satisfaction Release and Removal of Notice of Nuisance or Notice of Nuisance Abatement.

23.10.050 - 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 23.10.150a, in cases where no permit is required pursuant to the provisions of this title or Title 19 of this code to abate such nuisance. These procedures are used where a nuisance is abated in advance of initiation of the procedures specified by 23.10.150e et seq. of this chapter.

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 pursuant to 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 of Supervisors.

c. **Notice of cost recovery requirements.** The enforcement officer shall include in the notice of violation required by Section 23.10.105a, 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 such 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 of Planning and Building within 14 days of service of the summary of charges, pursuant to subsection d. of this section.

d. **Summary of costs.** At the conclusion of the enforcement case, the Director of Planning and Building 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. of this section, and that if no such 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 pursuant to subsection d. of this section shall have the right to a hearing before the Director of Planning and Building 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 of Planning and Building 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 of Supervisors pursuant to Section 23.01.042.

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f. **Collection of charges.** In the event that no request for hearing is filed pursuant to subsection e. of this section or after a hearing the Director of Planning and Building 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. Such costs shall be recoverable in a civil action in the name of the county, in any court of competent jurisdiction within the country

23.10.052 - 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 such 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 such additional permit processing fees as established from time to time by the county fee ordinance.

23.10.100 - Enforcement Procedures.

The code enforcement officer is hereby empowered to use any of the procedures described by the following sections, where appropriate to correct violations of, and secure compliance with, the provisions of this title:

23.10.105	Initial Enforcement Action
23.10.110	Abandoned Vehicle Abatement
23.10.120	Citation
23.10.130	Forfeiture of Bond
23.10.140	Injunction
23.10.150	Nuisance Abatement
23.10.160	Permit Revocation

23.10.105 - Initial Enforcement Action.

The code enforcement officer shall employ the procedures of this section in the initiation of enforcement action in cases where he or she has determined that real property within the unincorporated areas of the county of San Luis Obispo 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 such 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 pursuant to subsection b. of this section;

(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 23.10.150a, pursuant to Section 23.10.050;

(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 pursuant to subsection a. of this section 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 23.10.110 through 23.10.160 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. **Acknowledgment of correction.** When a violation of this Code is determined by the enforcement officer to have been corrected and any cost recovery required pursuant to Section 23.10.050 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.

23.10.110 - 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.

23.10.120 - Citation:

The code enforcement officer is hereby authorized by the San Luis Obispo County Board of Supervisors to issue a citation to any person who violates any of the provisions of this title. Issuance of a citation shall be pursuant to Chapter 1.08 of this Code (Citations). Penalties for violation are established by Section 23.10.022 (Penalties).

23.10.130 - Forfeiture of Bonds:

The code enforcement officer may initiate procedures to forfeit all or a portion of a bond or cash deposit (Section 23.02.060 - Guarantees of Performance).

23.10.140 - Injunction.

The code enforcement officer may work with County Counsel to secure injunctive relief to terminate a violation of the provisions of this title.

23.10.150 - 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 in Section 23.10.101, 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.

(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. **Pre-existing 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, of 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 such 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 23.10.040a (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 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 of Supervisors 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 pursuant to 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 23.10.105a, pursuant to Section 23.10.050.

(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 such notice as provided by Section 23.10.050 (Service of Notice). The Notice of Nuisance Abatement shall contain the following:

(1) A heading, "Notice of Nuisance Abatement."

(2) A notice to appear before the Board of Supervisors 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.

(3) The information specified in subsection c. of this section.

e. **Abatement proceedings:** When a Notice of Nuisance Abatement has been prepared and served pursuant to subsection d. of this section, nuisance abatement shall proceed as follows:

(1) **Hearing.** A decision to abate a nuisance shall be at the discretion of the Board of Supervisors, after a hearing conducted pursuant to Section 23.10.030 (Enforcement Hearings).

(2) **Order by hearing body.** Upon the conclusion of the hearing, the Board may terminate the abatement proceedings or it may order:

(i) That the owner or other affected person shall abate the nuisance, prescribing a reasonable time (not less than 30 days) for completion of abatement.

(ii) 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 pursuant to Section 23.02.060 of this title.

(iii) That, in the event abatement is not commenced, conducted and completed in accordance with the terms set by the board, the 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 23.10.040 (Service of Notice), except that the order need not be posted on the property or recorded pursuant to Section 23.10.040a(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 of Supervisors pursuant to this section. The penalty for failure to comply with such order shall be as set forth in Section 23.10.022.

f. **Abatement penalties and costs:** Upon expiration of the time limits established by subsection e(4) of this section, 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 such materials are of substantial value, sold directly by the General Services Department or the Director of Planning and Building 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 23.10.050a and b., specifying:

(i) The work done.

(ii) An itemized account of the costs and receipts of performing the work.

(iii) An address, legal description, or other description sufficient to identify the premises.

(iv) 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.

(v) The time and place where the 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.

(vi) A statement that the board will hear and consider objections and protests to said 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 23.10.040 - Enforcement Hearings). At the conclusion of the hearing, the board may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the board as to all matters contained therein is final and conclusive.

(4) **Notice of lien:** Upon confirmation of an assessment by the board, the 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 of Planning and Building in order 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 recorded in the office of the county recorder of San Luis Obispo County a notice of lien. The notice shall contain:

(i) A legal description, address and/or other description sufficient to identify the premises.

(ii) A description of the proceeding under which the special assessment was made, including the order of the Board confirming the assessment.

(iii) The amount of the assessment.

(iv) 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, pursuant to Section 25845 of the Government Code. Such 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 such assessment.

23.10.160 - Permit Revocation:

The code enforcement officer may initiate proceedings to revoke the approval of any land use permit issued pursuant to 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 23.10.040 - Enforcement Hearings). Such 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 such 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 pursuant to Section 23.10.030 (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 Planning Commission. If revocation of a Plot Plan, Site Plan, Minor Use Permit or Departmental Review is being considered, the hearing shall be conducted by the Director of Planning and Building acting as Zoning Administrator, pursuant to Section 23.01.040b of this title.

c. **Action to revoke:** If after the revocation hearing the hearing body finds that grounds for revocation have been established, the hearing body 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 hearing body.

In the absence of an appeal pursuant to subsection d. of this section, revocation shall become effective 14 days after the action of the hearing body. Upon the effective date of revocation, the code enforcement officer shall initiate nuisance abatement proceedings by preparing and serving a Notice of Nuisance pursuant to Section 23.10.150, with the time limit for action by the permittee specified in the notice being that set by the hearing body in the revocation order.

d. **Appeal.** The permittee may appeal the decision of the hearing body, and such appeals shall be processed pursuant to Section 23.01.042. Upon appeal, revocation does not take effect until affirmed by the appeal hearing body identified by Section 23.10.042. After the hearing, the appeal hearing body 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 hearing body.

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 pursuant to approval of a new land use permit and any other authorizations or permits required by this code.

CHAPTER 11: DEFINITIONS

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23.11.010 - Purpose:

This chapter defines the terms and phrases of this Title that are technical or specialized, or that may not reflect common usage. This chapter defines specific land uses only when definitions more detailed than those provided in the Land Use Element are needed to determine the applicability of standards. Where any of these definitions conflict with other titles of this code, this chapter prevails for the purposes of this title.

23.11.020 - 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. If any definition in this title conflicts with a definition included by reference, this title shall prevail.

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 pursuant to the California Administrative Code; and

b. The definitions of land use categories and land uses contained within Chapter 7 of Part I of the Land Use Element of the San Luis Obispo County General Plan, as amended;

c. The definitions contained in the Local Coastal Plan Policy Document, appendices a, b, and c.

23.11.030 - Coastal Zone Land Use Ordinance Definitions:

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. 2546]

Above Grade. Any elevation higher than the natural ground contour.

Access. The means of vehicular entrance or exit to a site.

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Accessory Garage. See "Garage, Private."

Accessory Use. See "Use, Accessory."

Active Use Area. See "Use Area, Active."

Agricultural Accessory Building. An uninhabited structure, designed and built to store farming animals, implements, supplies, or products, which is not used by the public. This definition does not include commercial greenhouses or buildings for agricultural processing activities).

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 Soils, Prime. Prime agricultural soils or land means any of the following:

a. All land which qualifies for rating as class I or II in the Soil Conservation Service land use capability classifications.

b. Land which qualifies for rating 80 through 100 in the Storie Index Rating.

c. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.

d. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than $200 per acre.

Agricultural Soils, Non-Prime. Areas of land that do not contain prime agricultural soils but are classified in the Agriculture land use category by the Land Use Element of the San Luis Obispo County General Plan.

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. 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. 2546]

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.

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.
[Amended 1993, Ord. 2649]

Application Filing. The act of the Planning Department receiving a completed application form for any permit established by this title submitted to the Planning Department, 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.
[Amended 1993, Ord. 2649]

Applied Water. The portion of water supplied by the irrigation system to the landscape.
[Amended 1993, Ord. 2649]

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."
[Amended 1995, Ord. 2715]

Approved Land Use. See "Use, Approved."

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Aquaculture. The culture and husbandry of aquatic organisms, including but not limited to shellfish, mollusks, crustaceans, kelp and algae.

Archaeological Resource. Any Native American or Pre-Columbian artifact or human remains.

Archaeologically Sensitive Areas. Areas where there is a high likelihood of the existence of archaeological resources as shown on the Land Use Element (Part III) combining designation maps and other information on file with the Planning Department.

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.

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.
[Amended 1993, Ord. 2649]

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.
[Amended 1993, Ord. 2649]

Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year. Equivalent to a 100-year flood.

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

Billboard. See "Sign, Off-Premise."

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, and whether constructed of concrete, masonry, wood, metal, plastic of any other suitable building material 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.

Buildable Area (Developable Area). The area of the site in which structures may be located, not including required yard areas (See Figure 11-6).

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.

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 the County 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 11-1).

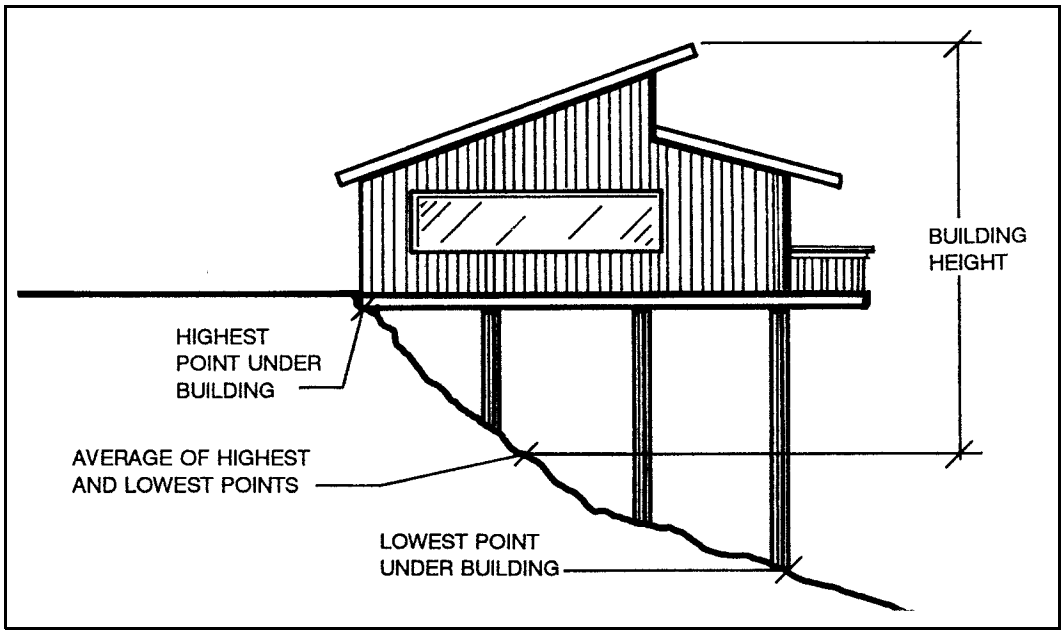

Figure 11-1: Building Height

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 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 1995, Ord. 2715]

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.

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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."

Central Business District. An area of concentrated retail trade identified by the Land Use Element for each urban area.

Channel. The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

Coastal Act. The California Coastal Act of 1976.

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal-Dependent Development or Use. Any development or use that requires a permanent location on or adjacent to the ocean.

Coastal Development. Defined in Section 23.03.040 of this title.

Coastal High Hazard. The area subject to high velocity waters including but not limited to coastal and tidal inundation or tsunami.

Coastal Plan. See "Local Coastal Plan," "Local Coastal Program."

Coastal Streams and Riparian Vegetation. A stream is a body of water that flows at least periodically or intermittently through a bed or channel having abnds and supports fish or other aquatic life. This includes water courses having a surgace or subsurgace flow that supports or has supported riparian vegetation. Streams and adjacent riparian vegetation appearing as dotted or dashed blue lines on the 7.5 minute USGS topographic quadrangle maps, and shown on the Combining Designation maps of the Land Use Element.
[Amended 2004, Ord. 2999]

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

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 23.07 (Combining Designations).

Combustible Liquid. Any liquid having a flash point at or above 100° F and below 200° 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 11-2).

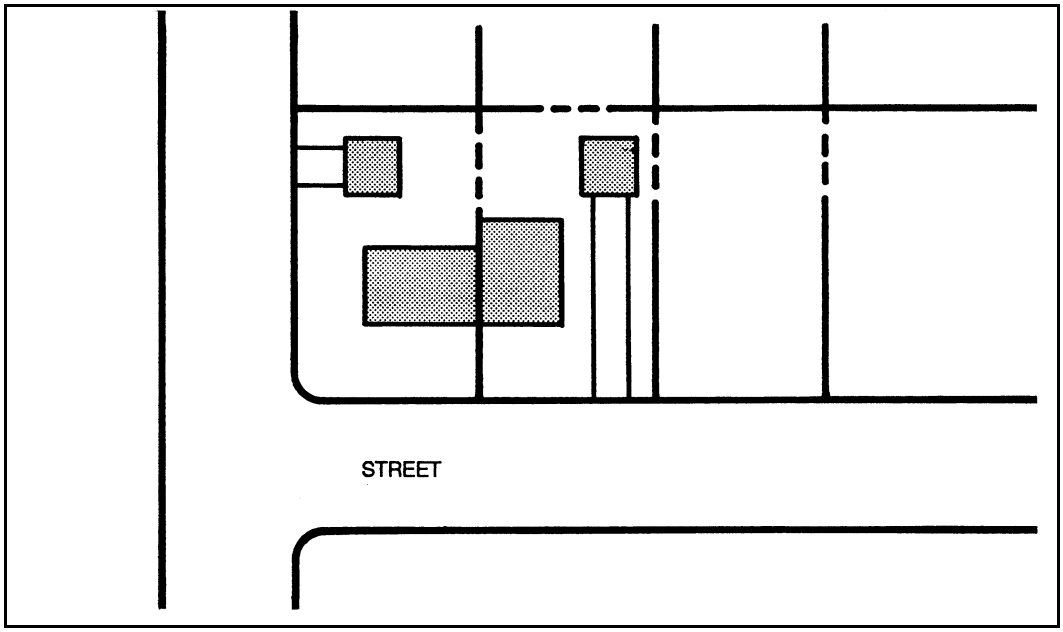

Figure 11-2: Common Wall Development

Communication Towers. Any tower or other structure erected for the purpose of radio, television or microwave transmission or line-of-sight relay devices.

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 Small Scale Design Neighborhoods. Neighborhoods that are of special design interest to the community based on the existing character and scale.

a. Cayucos:

Pacific Avenue Neighborhood - That area designated Residential Single Family between Ocean Avenue, 13th Street, Cass Avenue, Circle Drive, Highway One, Old Creek, and the ocean.

Studio Drive Neighborhood - That area designated Residential Single Family between Highway One and the ocean.

[Added 1995, Ord. 2719]

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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.

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 Permit. Any or all of the various entitlements established by Title 19 of the County 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.

Contiguous. Adjacent and having a common parcel boundary for at least 25 feet.

Corner Lot. See "Lot, Corner."

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 2 of this code.

County Counsel. The county counsel of San Luis Obispo County as established by Chapter 2.06 of Title 2.

County Engineer. The county engineer of San Luis Obispo County as established by Chapter 2.08 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.

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 ornamental, 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.

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").

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 micro pascals.
[Added 1992, Ord. 2546]

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.

Development. Pursuant to PRC 30106, "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction,

reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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").

Domestic Reservoir Watershed. The watershed area surrounding each reservoir for domestic water supply as indicated on the official maps delineating such areas adopted pursuant to Section 19.20.222b(3) of the Building and Construction Ordinance. [Amended 1989, Ord. 2383]

Double Frontage Lot. See "Lot, Double Frontage."

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 Section 23.05.40 (Storm Drainage).

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. [Amended 1993, Ord. 2649]

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.

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.

Ecological Restoration Project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
[Amended 1993, Ord. 2649]

Emitter. Drip irrigation fittings that delivers water slowly from the system to the soil.
Amended 1993, Ord. 2649]

Enforcement Officer. The planning director or employee designated by the planning director as being responsible for the enforcement of this title pursuant to Chapter 23.10.

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.

Environmentally Sensitive Habitat Area (Mapped ESHA). A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily disturbed or degraded by human activities and development. They include wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations. Is the same as an Environmentally Sensitive Habitat.

[Amended 2004, Ord. 3048]

Environmentally Sensitive Habitat Area (Unmapped ESHA). A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. They include, but are not limited to, known wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats that may not be mapped as Land Use Element combining designations. The existence of Unmapped ESHA is determined by the County at or before the time of application acceptance and shall be based on the best available information. Unmapped ESHA includes but is not limited to:

a. Areas containing features or natural resources when identified by the County or County approved expert as having equivalent characteristics and natural function as mapped other environmental sensitive habitat areas;

b. Areas previously known to the County from environmental experts, documents or recognized studies as containing ESHA resources;

c. Other areas commonly known as habitat for species determined to be threatened, endangered, or otherwise needing protection.

[Amended 2004, Ord. 3048]

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. 2546]

Evapotranspiration (ET^{O}). The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.
[Amended 1993, Ord. 2649]

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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.

Family, Immediate. Relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings.

Fault Trace. A line projected on the earth's surface to reflect the alignment of a geologic fault.

Feasible. Capable of being accomplished in a successful manner within reasonable period of time, taking into account economic, environmental, social and technological factors.

Feedlot. Any enclosure or facility for the keeping of more than four animals per acre, and where such animals are kept for a period exceeding 45 days.

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

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 1989, Ord. 2383; 2004, Ord. XXXX]

First Public Road Paralleling the Sea. The "first public road paralleling the sea" means that road nearest to the sea as defined in Section 30115 of the Public Resources Code, which:

a. Is lawfully open to uninterrupted public use and is suitable for such use;

b. Is publicly maintained;

c. Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

d. Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

e. Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

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 Boundary Floodway Map: The official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Fringe. That portion of the flood plain outside the floodway.

Flood Insurance Rate Map (FIRM): The official 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.

Flood Insurance Study: The official report 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.

Flood, 100-Year. A flood inundation event, the extent of which has a statistical probability of occurring once every 100 years.

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.

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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 additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property.

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 (1) foot. The floodway is delineated on the "Flood Boundary Floodway Map." (See Figure 11-3).

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.

Flow Rate. The rate at which water flows through pipes and valves (gallons per minute or cubic feet per second). [Amended 1993, Ord. 2649]

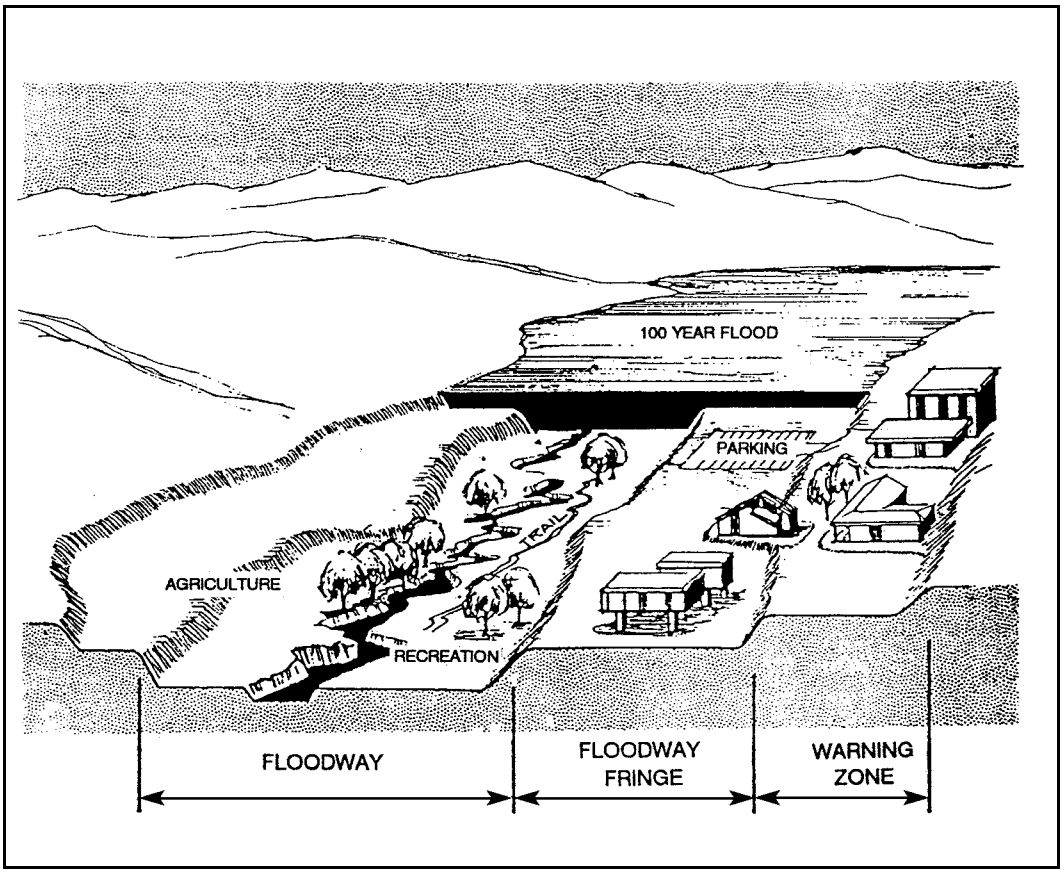

Figure 11-3: Floodway & Flood Fringe

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."

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.

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.

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 pursuant to Sections 65300 et seq. of the Government Code.

Government Code. The 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 excavating, filling or combination thereof. See Section 23.05.020 of this title.

Grazing. For the purposes of this title, grazing means the keeping for commercial purposes of cattle, horses or sheep at a density of four or less animals per acre, using feed produced on the site.

Greenhouse. See "Nursery."

Gross Floor Area. See "Floor Area, Gross."

Gross Site Area. See "Site Area."

Guesthouse. Sleeping facilities detached from a principal residence, which may include a bathroom and other living space, but not kitchen facilities.

Health Department. The San Luis Obispo County Health Department.

Hearing Body. See "Review Authority". [Amended 1995, Ord. 2715]

Height. See "Building Height."

Heliports. Any area of land or water used or intended for the take-off and landing of helicopters.

Hog Ranch. Any premises on which more than three sows, a boar and their unweaned litter are raised or maintained.

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.

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.
[Amended 1993, Ord. 2649]

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."

Improved Lot. Any lot where one or more improvements are located that require a building or mobilehome installation permit.

Improvements. Includes any structures or mobilehomes 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. 2546]

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 camp-sites are rented or leased or held out for rent or lease.

Infiltration Rate. The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
[Amended 1993, Ord. 2649]

Inoperative Vehicle. Any vehicle that has remained continuously in one location for more than 180 days.
[Added 1981, Ord. 2063]

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. 2546]

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.
[Amended 1993, Ord. 2649]

Issuance. See "Permit Issuance."

Kennel, Boarding or Commercial. A facility for the keeping, boarding or maintaining of four or more dogs four months of age or older that are not owned by the kennel owner for commercial purposes, except for dogs in pet shops or animal hospitals. Kennels are not considered a commercial animal raising operation for the purpose of creating new lots under Section 23.04.020.

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.

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

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Key Lot. See "Lot, Key."

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.
[Amended 1993, Ord. 2649]

Land Use. See "Use of Land."

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 under Section 65302 of the California Government Code.

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 and/or grading permits, as required, and serves as the local government equivalent of a coastal development permit in accordance with the Coastal Act. For the purposes of this title, land use permits are the Plot Plan, Site Plan, Minor Use Permit, Development Plan OR Variance, established by Chapter 23.02 of this title.

Land Use Plan. The land use plan of the San Luis Obispo County Local Coastal Program, which is combined with the Land Use Element of the San Luis Obispo County General Plan.

Lateral Access. A recorded dedication or easement providing for public access and use along the shoreline.

Lateral Line. The water delivery pipeline that delivers landscape irrigation water from the valve or outlet to the irrigation system.
[Amended 1993, Ord. 2649]

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.

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 Coastal Plan. The Local Coastal Program Land Use Plan, which is a portion of the county's Local Coastal Program as certified by the California Coastal Commission. The Local Coastal Plan consists of the Policy

Document, Land Use Element Programs and Standards (Part II of the LUE) and Land Use Element Maps (Part III of the Land Use Element).

Local Coastal Program. Consists of (a) the Local Coastal Plan, (b) the Coastal Zone Land Use Ordinance, and (c) other implementing actions for the coastal zone of the county which meets the requirements of the California Coastal Act of 1976 as certified by the California Coastal Commission.

Local or Minor Street. Defined in Chapter 6, Part I of the LUE.

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 in which the dwelling faces. (See Figure 11-4).

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 11-5).

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 11-4).

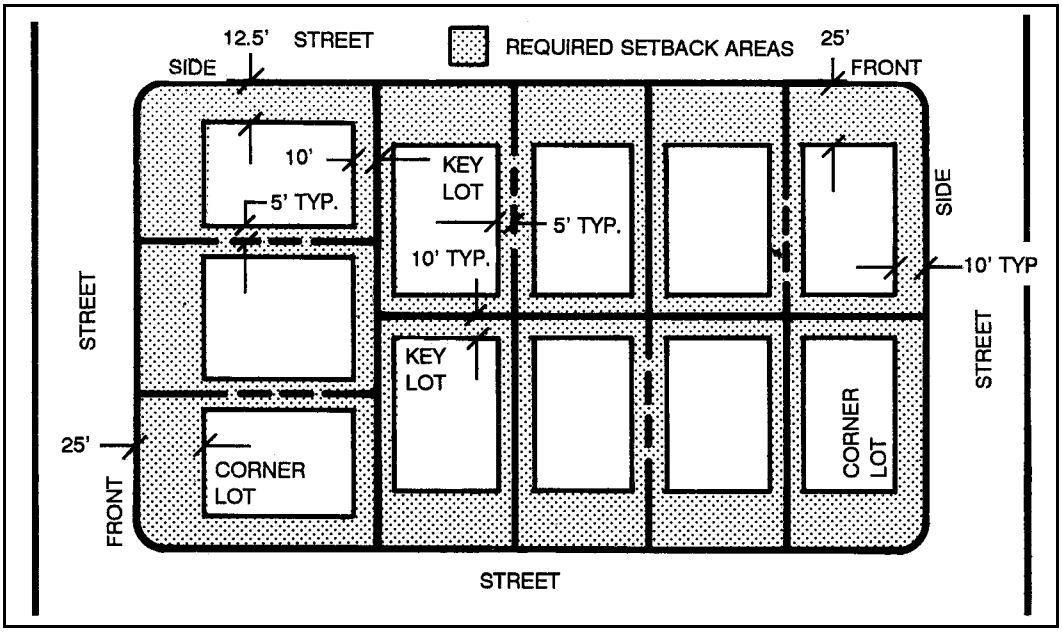

Figure 11-4: Corner Lot and Key Lot

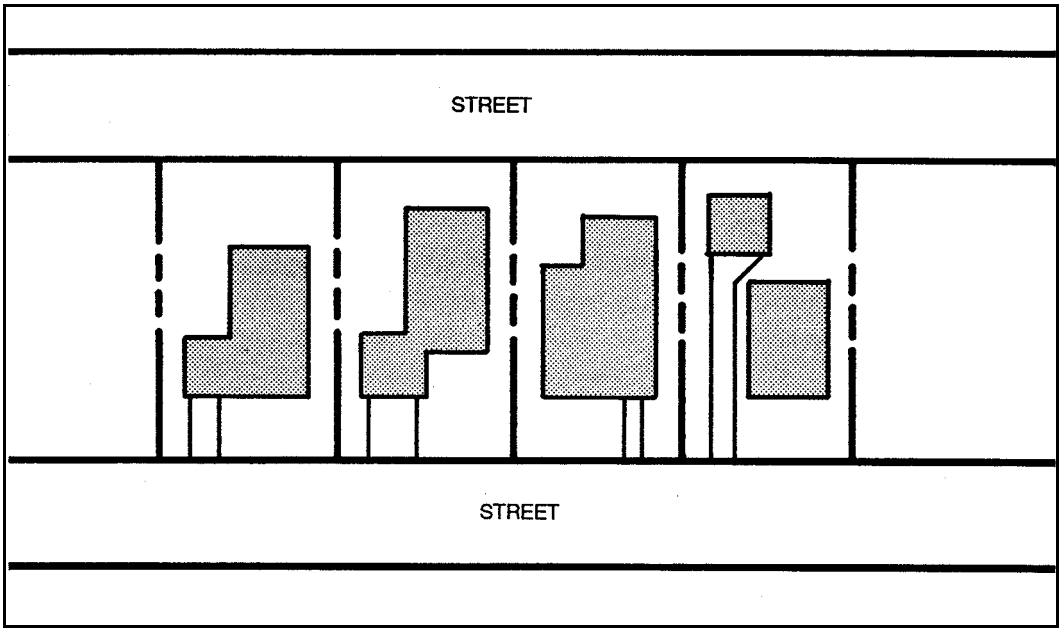

Figure 11-5: Double Frontage Lot

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.

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.
[Amended 1993, Ord. 2649]

Major Public Works Project and Major Energy Facility. Any public works or energy facilities that exceeds $100,000 in estimated construction cost.

Manufacturing Uses. Any of the uses listed in the manufacturing and processing group by Table O, Part I of the Land Use Element, which may include accessory retail sales of products produced on-site.

Marine Habitats. Sensitive habitat areas for marine fish, mammals and birds as shown on the Combining Designation maps of the Land Use Element.

Marquee Sign. See "Sign, Marquee."

Mined Lands. Includes the surface, sub-surface, 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 Sections 23.04.020 et.seq. of this Title.

Minimum Site Area. The smallest lot of record or contiguous lots in a single ownership, as determined by the planning area standards of the Land Use Element, Section 23.04.040 or Chapter 23.08 of this Title, on which a new land use may be established. This is measured as net site area (See "Site Area, Net").

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.

Monument Sign. See "Sign, Monument."

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.
[Amended 1993, Ord. 2649]

Multi-Family Area. An area to which the Residential Multi-Family land use category has been applied by the Land Use Element.

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.

Natural Grade. See "Grade."

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 23.06.040.

Non-Illuminated Sign. See "Sign, Non-Illuminated."

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Non-Prime Soils. See "Agricultural Soils, Non-Prime."

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 - Soil Dependent.** A nursery facility (may be used with any of the above nurseries in accordance with the standards of Section 23.08.054) which require location on prime soils in order to obtain a growing medium and do not require impervious surfaces to cover the prime soils, or otherwise render soils unusable after discontinuance of use.

e. **Greenhouse - Non-Soil Dependent.** A nursery facility (may be used with any of the above nurseries in accordance with the standards of Section 23.08.054) which can be: (a) established on flat or gently sloping land with less than 15% slope; (b) do not require location on prime soils native to the site as a growing medium (i.e., do not use native soils to grow plants); (c) development may require the use of impervious flooring (i.e., concrete, asphalt, wood).

Nursery School. See "Preschool."

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."

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 pursuant to Section 65560 of the Government Code.

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.
Amended 1993, Ord. 2649]

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 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.).
[Amended 1993, Ord. 2649]

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.

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.
[Amended 1993, Ord. 2649]

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 pursuant to 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.

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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.

Particulate Matter. Any material except uncombined water that exists in finely-divided form as a liquid or solid at standard conditions.

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 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.

Pet Shop. A facility for the conduct of a business for buying and selling (or bartering) birds, animals or fowl, except livestock.

Planning Area. One of fourteen planning areas as identified in the Land Use Element.

Planning Area Standards. Development criteria established by the Land Use Element for specific areas, adopted as part of this Title by Section 23.01.022.

Planning Commission. The Planning Commission of San Luis Obispo County as established by Chapter 2.24 of Title 2 of the County Code.

Planning Department. The San Luis Obispo County Department of Planning and Building, including the Director of Planning and Building and all subordinate employees.

Planning Director. The Director of Planning and Building of San Luis Obispo County with duties and responsibilities as set forth in Section 23.01.040 of this title. As used in this title, planning director may include designated staff of the Department of Planning and Building when acting in an official capacity. [Amended 1995, Ord. 2715]

Political Sign. See "Sign, Political."

Porch. Outdoor steps, stairs, and/or a raised platform less than 100 square feet in area and not exceeding 30 inches in height above grade at any point, located immediately adjacent to the entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a porch (not including steps) is more than 100 square feet or is higher than 30 inches, it is considered a deck.

Preschool. Day-care facility serving more than six children and/or licensed by a school district under Section 16725, Education Code.

Price Sign. See "Sign, Price."

Primary Surface. See "Imaginary Surfaces."

Prime Soils. See "Agricultural Soils, Prime."

Principal Permitted Use or Primary Permitted Use. When used in this title or the Land Use Element, shall mean Principally Permitted Use, as identified by Coastal Table O, Part I of the Land Use Element.

Principal Structure. See "Building, Main."

Project. Any land use, activity, construction or development which required to be authorized by a permit pursuant to 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 Resources Code. The Public Resources Code of the state of California.

Public Utility. A company regulated by the California Public Utilities Commission.

Public Works:

a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by a utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

b. All public transportation facilities, including but not limited to streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges and other related facilities.

c. All publicly-financed recreation facilities, all projects of the California Coastal Conservancy and any development by a special district.

d. All community college facilities.

Rabbit Farm. A facility for the raising or keeping of more than 25 mature rabbits.

Rain Sensing Device. A system which automatically shuts off the landscape irrigation system when it rains. [Amended 1993, Ord. 2649]

Rangeland. See "Crop Production."

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 Section 2772 of the Public Resources Code, and in Section 23.08.182 of this Title.

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 feet or less in width and 40 feet or less in length.

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. [Amended 1993, Ord. 2649]

Recycling Facility. Any lot or portion of a lot greater in size than 300 square feet, used for the purpose of 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.

Remove. In the case of an approved land use, remove means to eliminate the use or structure from the approved site.

Residence. See also "Dwelling."

Residence, Primary and Secondary. A primary residence is one single-family dwelling constructed on a lot. A secondary residence is an additional single-family dwelling on the same lot permitted under the provisions of Section 23.04.082 or 23.08.036 of this title.

Residential Care Facility. Any facility, place, or building that is maintained and operated to provide 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 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 the penetration of subterranean regions by means of drilling apparatus. For the purposes of this definition only, mineral resources include oil, gas, geothermal steam, or other subterranean deposits, except water. Extraction wells as defined herein may be for purposes of exploration or production.

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 significant natural vegetation. See Section 23.05.026d of this Title.

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 pursuant to this title; either the Planning Director, Subdivision Review Board, Planning Commission or Board of Supervisors. [Amended 1992, Ord. 2584]

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 1992, Ord. 2591]

Riparian Habitat. An area of riparian vegetation and associated animal species.

Riparian Vegetation. An association of plant species growing adjacent to freshwater watercourses, including perennial and intermittent streams, lakes and other bodies of fresh water.
Road Access. See "Access."

Road. A 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.

Roof Sign. See "Sign, Roof."

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Rough Grade. See "Grade."

Run Off. Water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.
[Amended 1993, Ord. 2649]

Rural Area (or Category). Any area or land use category outside of the urban or village reserve lines established by the LUE.

Safety Element. The Safety Element of the San Luis Obispo County General Plan, prepared and adopted pursuant to Section 65302 of the Government Code.

Sandy Area. Portions of the Nipomo Mesa and Baywood/Los Osos area indicated on the official sandy area maps on file in the Planning Department, indicating areas of fair to good leaching capacity.

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.

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)(iii), etc.), up to the next section number.

Sedimentation. The addition of soil materials through erosion to a stream or water body that increases the turbidity of the water.

Sensitive Coastal Resource Area. Means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, pursuant to Section 23.01.043c(3) of this title.

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 23.04.100 (Setbacks). (See Figure 11-6.)

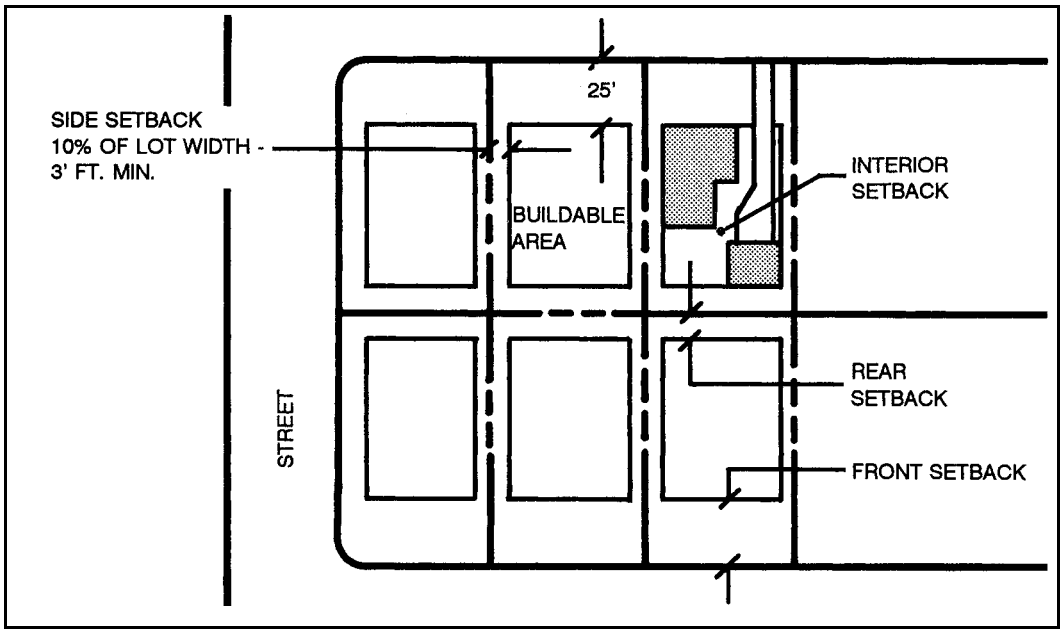

Figure 11-6: Setbacks & Buildable Area

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 11-6.)

Setback, Interior. Any open area of a site not within a required front, rear, or side setback area. (See Figure 11-6).

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.

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."

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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 Section 23.04.310g).

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 23.08.240 (Temporary Uses).

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. 2546]

Site. A lot or adjoining lots that are the location of a proposed development project or entitlement.

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.

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.

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.

Site Coverage. See "Coverage."

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 23.04.036) 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 1995, Ord. 2715]

Small Scale Neighborhoods. Neighborhoods that have primary use by residents and secondary use by the general public using accessways to scenic shoreline areas and include:

a. Baywood Peninsula - the Residential Single-Family category within Tract 40.

b. Oceano - Residential Single-Family and Multi-Family categories west of Highway One.
[Amended 1995, Ord. 2719]

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil.
[Amended 1993, Ord. 2649]

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 networks 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, Ord. 2546]

Special Communities. Areas and communities with unique, visually pleasing characteristics which serve as visitor destination points and include:

a. Avila Beach - Commercial and Recreation categories along Front Street.

b. Cambria - Commercial and Recreation categories along Main Street.

c. Cambria - Commercial and Recreation categories along Moonstone Beach Drive.

d. Cayucos - Commercial and Recreation categories along Ocean Avenue.

e. South Bay - Baywood Village Commercial area.

f. San Luis Bay/Port San Luis - Public Facilities Category.

g. San Simeon Acres - Residential Single-Family and Residential Multi-Family categories.

h. San Simeon Village - Commercial category.

Special District. Any public agency formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries other than a chartered or general law city or any city and county. Special districts include, but are not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

Special Use. See "Use, Special.

Sprinkler Head. A landscape irrigation device which sprays water through a nozzle.
[Amended 1993, Ord. 2649]

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.
[Amended 1993, Ord. 2649]

Station. An area served by one landscape irrigation valve or by a set of landscape irrigation valves that operate simultaneously.
[Amended 1993, Ord. 2649]

Storage Area. An area proposed or used for the outdoor storage of supplies or equipment, or goods for sale, lease, or incidental use.

Storage of a Vehicle. The parking of a vehicle longer than two consecutive nights.

Story. Usable floors of a building, except that where this ordinance or a Land Use Element planning area standard use stories as a measurement of building height, basements or building floors six feet or more below street level are not included.

Street. A thoroughfare that provides the principal means of vehicle access to abutting property.

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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.

Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structural Use. See "Use, Structural."

Structure. Any artifact constructed or erected, the use of which requires attachment to the ground, including any building, but not including fences or walls six feet or less in height.

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, Tentative or Final. As defined in Title 21 of the County Code and the State Subdivision Map Act, Government Code Section 6640 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.

Suspended Sign. See "Sign, Suspended."

Table O. When used in the Local Coastal Program, shall mean Coastal Table O, the allowable uses chart, Part I of the Land Use Element.

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 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.

Terrestrial Habitat. Sensitive animal or plant habitats on land areas in the Coastal Zone, identified as Combining Designations in the Land Use Element.

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.

Transitional Surface. See "Imaginary Surfaces."

Turf. A surface layer of earth containing mowed grass with its roots.
[Amended 1993, Ord. 2649]

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.

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.

Unit. See "Dwelling."

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 and Local Coastal Plan. [Amended 1995, Ord. 2740]

Urban Services Line. As defined in Framework for Planning, Part I of the Land Use Element and Local Coastal Plan.
[Amended 1995, Ord. 2740]

Useable Parcel. A parcel of real property for which a land use permit can be obtained under the provisions of this title.

Usable Site Area. See "Site Area, Usable."

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Use. See "Use, Allowable".
[Amended 1995, Ord. 2715]

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 23.08.020 establishes standards for accessory uses.
[Amended 1995, Ord. 2715]

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. Such uses are identified in the Land Use Element as being possible to establish in a given land use category subject to the standards of the Land Use Ordinance with either a ministerial or discretionary permit. An "A", "S" or "P" use in Coastal Table O, Part I of the Land Use Element.
[Amended 1995, Ord. 2715]

Use, Allowed. A use of land identified as an "A" use by Coastal Table O, Part I of the Land Use Element.

Use, Approved. A use of land authorized to be constructed and/or established through issuance of an approved land use permit pursuant to Chapter 23.02 of this title.

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."
[Amended 1995, Ord. 2715]

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, Principally Permitted. An allowable use of land that is encouraged to locate within a specific land use category by the Local Coastal Program (a "PP" use on the Allowable Uses Chart, Coastal Table O of the Land Use Element).

Use, Residential. Any use listed in the Land Use Element in the residential group.

Use, Special. An "S" use on Table O, Part I of the Land Use Element, identified as "allowable subject to special standards," for which standards are established by Chapter 23.08.

Use, Structural. A use of land accompanied by a building or structure (not including fences), on the same lot of record.

Valve. A device used to control the flow of water in a landscape irrigation system.
[Amended 1993, Ord. 2649]

Vertical Access. A recorded dedication or easement providing access from the first public road to the ocean or perpendicular to the shore.

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 San Luis Obispo County Land Use Ordinance, Title 22 of this code, if the use was established prior to the effective date of this title but after the effective date of the Land Use Ordinance; or in a manner not consistent with applicable provisions of the former San Luis Obispo County Zoning Ordinance, if the use was established prior to the effective date of this title or the Land Use Ordinance, Title 22 of this code.

Visitor-Serving Priority Area. A combining designation in the Land Use Element applied to areas designated in the Commercial or Recreation land use categories. Limited to areas that presently or are proposed to serve tourists or visitors to the coast. In such areas, visitor-serving uses have priority over non-visitor serving uses but not over aquaculture or coastal-dependent uses.

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."

Watercourse. The normal channel or limits of an intermittent or perennial stream, or other body of water, during non-flood conditions.

Wetland. Lands that may be covered periodically or permanently by shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Window Sign. See "Sign, Window."

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Wrecking Yard. See "Recycling Facility."

Yard. See "Setback."

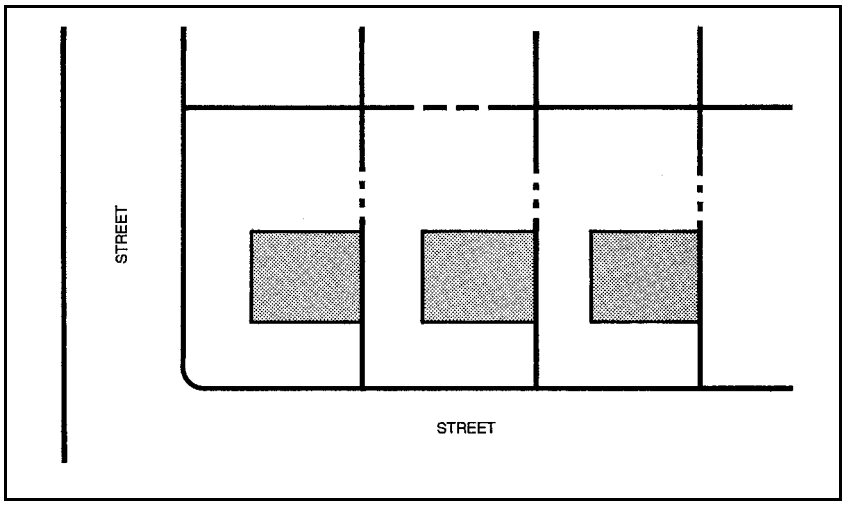

Figure 11-7: Zero Lot Line Development

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 23.04.110g, and Figure 11-7.

Zoning Administrator. The Director of Planning and Building or employee designated by the director, pursuant to Section 23.01.040b of this title and Section 65900 et seq. of the Government Code.
[Added 1995, Ord. 2715]

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 1995, Ord. 2715]