

**ORDINANCE NO. 3465**

**AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE TO  
INCORPORATE UPDATED CALGREEN RECYCLING REQUIREMENTS**

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

SECTION 1: Section 8 of Title 19 of the San Luis Obispo County Code, is hereby amended to read as follows:

19.08.060 ~~Additional requirements. Compliance with CALGreen Recycling Requirements~~

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

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

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

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

a. ~~Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve Occupants of all buildings on the site and are identified for the storage and collection of Recyclable Materials Container and Organic Materials Container materials, consistent with the three or more-container collection program offered by the County of San Luis Obispo, or comply with provision of adequate space for recycling for Multi-Family Premises and Commercial Premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.~~

- b. New Commercial or Multi-Family construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Recyclable Materials Container and Organic Materials Container materials, consistent with the three or more-container collection program offered by the County of San Luis Obispo, or shall comply with provision of adequate space for recycling for Multi-Family Premises and Commercial Premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- c. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with County of San Luis Obispo Ordinance, Title 19 - Buildings and Construction Chapter 19.08 - Green Building Standards, and all written and published County of San Luis Obispo policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

(3) Waste Recycling:

- a. All new construction, alterations and additions, demolitions, including county projects, shall be required to divert at least seventy-five percent, with a goal to increase diversion to eighty percent (as local recycling facilities are available), for all project construction and demolition debris.
- b. Applicants shall complete and submit a waste management recycling plan at construction permit application submittal. The applicant shall include:
  - 1. The project owner, project location, and project contractor;
  - 2. The total size (square footage) of the demolition and/or construction portions of the project, including any asphalt or concrete work;
  - 3. The estimated volume or weight of project construction and demolition debris, by materials type, to be generated, using standard generation rates provided by the chief building official;
  - 4. The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling;
  - 5. The vendor or facility that the applicant/contractor proposes to use to collect or receive that material; and
  - 6. The estimated volume or weight of construction and demolition debris that will be landfilled.
- c. Prior to receiving final inspection or notice of completion for the project the applicant/contractor shall submit a recycling and disposal report which documents

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

1. All receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;
  2. Any photographs that document the reuse of materials on site;
  3. A completed disposal report section showing the actual volume or weight of each material diverted and landfilled;
  4. Any additional information the applicant/contractor believes is relevant to determining its efforts to comply in good faith with this chapter.
- d. Applicants or contractors shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be measured by weight on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant/contractor shall use the standardized conversion rates approved by the chief building official for this purpose.
- e. Applicants who fail to satisfy the seventy-five percent diversion requirement in Section 19.08.060 may be subject to withholding of final building permits, withholding of final building occupancy, administrative fines, or further enforcement action, unless an exemption has been granted pursuant to Section 19.08.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the department of planning and building.

(4) Incentives:

- a. Residential: The cost of plan review by the county plans examiner (i.e. building plan review fee) shall be reduced by five hundred dollars for all projects completing a third party verified rating system such as LEED, Green Point Rated.
- b. Non Residential: The cost of plan review and by the county plans examiner (i.e. building plan review fee) shall be reduced by five hundred dollars for all projects

under five thousand square feet, one thousand dollars for all projects five thousand—ten thousand square feet, and two thousand dollars for all projects over ten thousand square feet when completing a third party verified rating system such as LEED, Green Point Rated.

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

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

SECTION 2: Section 9 of Title 19 of the San Luis Obispo County Code, is hereby amended to read as follows:

#### Chapter 19.95 WATER EFFICIENT LANDSCAPING

19.95.010 Model ~~Water Efficient Landscaping Ordinance adopted.~~

~~If Direct Service Provider is subject to the County's WELO pursuant to County Code Section 19.95.010, comply with the following.~~

The California Model Water Efficient Landscape Ordinance, Sections 490-495, Chapter 2.7, Division 2 of Title 23 in the California Code of Regulations, including all appendices thereto, is hereby incorporated into this title by reference as though it were fully set forth here.

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

SECTION 3: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together

with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 5: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 6: These ordinance amendments are covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 7<sup>th</sup> day of December, 2021, and **PASSED AND ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 14<sup>th</sup> day of December, 2021, by the following roll call to vote, to wit:

AYES: Supervisors John Peschong, Dawn Ortiz-Legg, Bruce S. Gibson, Debbie Arnold and Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING:None

  
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Lynn Compton  
Chairperson of the Board of Supervisors of the  
County of San Luis Obispo, State of California

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors  
County of San Luis Obispo, State of California

By: T'Ana Christiansen  
Deputy Clerk