

ORDINANCE NO. 3535

**AN ORDINANCE AMENDING TITLE 21 OF THE SAN LUIS OBISPO COUNTY CODE,
REAL PROPERTY DIVISION ORDINANCE, TO ESTABLISH REGULATIONS
RELATING TO URBAN LOT SPLITS FOR CONSISTENCY WITH STATE LAW AND
TO STREAMLINE AND SUPPORT AFFORDABLE HOUSING PRODUCTION
(COUNTY FILE NUMBER: LRP2024-00013)**

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

SECTION 1. The purpose and intent of this ordinance is to update regulations relating to urban lot splits in Title 21 of the San Luis Obispo County Code for consistency with State Law (California Government Code Section 66411.7) and to streamline and support affordable housing production. Any interpretation of this Ordinance shall be consistent with this purpose and intent.

SECTION 2. County Code Section 21.01.020 is hereby amended as follows:

"Urban lot split" means the subdivision of an existing legal parcel into two new parcels in eligible areas as allowed by Section 21.02.041.

SECTION 3. County Code Section 21.02.041 is hereby amended added as follows:

21.02.041 – Urban lot splits.

- (a) Authority. Urban lot splits are authorized in accordance with California Government Code Section 66411.7 (General Provisions for Urban Lot Splits).
- (b) Applicable Standards. Urban lot splits are subject to all provisions of this title and all public health and safety regulations (including but not limited to fire, drainage, flood control, wastewater, and water supply regulations) applicable to parcel maps unless otherwise specified in this Section.
 - (1) Onsite Wastewater Treatment Systems. Urban lot splits for parcels served by onsite wastewater treatment systems shall comply with the minimum parcel size requirements in the San Luis Obispo County Local Agency Management Program (LAMP) and Title 19.
 - (2) Exception. No objective land use standards, objective subdivision standards, and objective design review standards shall be applied that would have the effect of physically precluding the construction of two primary dwellings on either of the resulting parcels of a urban lot split or that would result in a primary dwelling size of less than 800 square feet in floor area unless the dwellings and/or lot configuration do not meet public health and safety regulations.
- (c) Application Contents. In addition to the general requirements of Section 21.02.048, the application for an urban lot split shall include the following:

- (1) Checklist. Pre-screen checklist completed by the applicant, indicating the proposed urban lot split adheres to this section and applicable public health and safety regulations in accordance with subsection (b).
- (2) Site Layout Plan. Site layout plan for the proposed buildout of the resulting parcels, including the primary dwelling (anticipated location if not already existing) and existing or anticipated accessory dwellings (Section 22.30.470) or urban dwellings (Section 22.30.471), and containing all of the following:
 - a. Site Location and Dimensions. Location, exterior boundaries, and dimensions of the entire site that is the subject of the application; scale of the drawing; and a north arrow.
 - b. Road Access and Street Improvements. Location, name, width, and type of surfacing of adjacent street(s) or alleys. Location of existing or proposed curbs, gutter and sidewalk improvements, if any; evidence documenting that the site has legal access to a public road and has or will be provided adequate all-weather physical access with completion of the proposed development.
 - c. Buildings and Structures. Location, dimensions, and use of all existing and proposed structures on the property, including residences, 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 California Building Standards Code may be substituted for use); height of buildings and structures; elevations (relative height) from the finish floor of the garage or other parking area to the edge of the pavement or road at the driveway entrance.
 - d. Easements. Location, dimensions, and purpose of all recorded easements on the property, including, but not limited to, utility, drainage and access easements, etc.
 - e. Utilities. Location, dimensions, and type of proposed water supply and sewage disposal facilities or connections.
 - f. Site Improvements. Location and dimensions of existing or proposed driveways and parking areas (enclosed or open), including type of surfacing materials; and identification of any driveway grades over 10 percent. Location and dimensions of areas proposed for grading and site disturbance.
 - g. Landforms. The generalized location of any major topographic or man-made features on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas.
- (d) Ministerial Review. The tentative and final decision (approval or denial) of parcel maps for urban lot splits are ministerial actions. No public hearing is required. Therefore, the following subsections do not apply to urban lot splits:
 - (1) Section 21.02.042 parts b and c.
 - (2) Section 21.02.048(a) parts 5 (Public Hearing Notice), 8 (Agricultural Viability Report), and 9 (Environmental Information).

The final parcel map for an urban lot split requires County Surveyor and planning director (or designee) approval prior to recordation by the planning department.

- (e) Review Timeline. Once an urban lot split application has been deemed complete, the planning department shall approve or deny the application within 60 calendar days. If the application is denied, the planning department shall provide a list of deficiencies and how such deficiencies may be remedied, as applicable.
- (f) Denial. Urban lot splits may be denied if the Building Official or authorized agent makes a written finding, based on substantial evidence, that the proposed project would have a specific, adverse (significant, quantifiable, direct, and unavoidable) impact upon public health and safety that cannot be feasibly mitigated or avoided, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete (such as, but not limited to, failure to meet fire, access, drainage, flood control, wastewater, and water supply standards).
- (g) Eligibility. Urban lot splits shall only be approved if all of the following requirements are satisfied:
 - (1) Lot Area. An existing legal parcel is to be subdivided to create two new parcels of approximately equal lot area, such that one of the new parcels shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. Both new parcels shall have a minimum lot area of 1,200 square feet. For parcels served by onsite wastewater treatment systems, the minimum lot area shall comply with the LAMP and Title 19.
 - (2) No Previous Urban Lot Split. The parcel being subdivided has not been established through an urban lot split. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.
 - (3) Eligible Areas. The parcel being subdivided meets all of the following criteria:
 - a. Designated as a Single-Family Residential Land Use Category – Residential Rural, Residential Suburban, or Residential Single-Family.
 - b. Within an urbanized area or urban cluster, as designated by the United States Census Bureau's 2010 Census or 2020 Census; or within an Urban Reserve Line.
 - c. Outside the Coastal Zone.
 - d. Not located on prime farmland or farmland of statewide importance per maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation.
 - e. Not designated as wetlands, as defined by the United States Fish and Wildlife Service Manual.
 - f. Not designated as a hazardous waste site.
 - g. Located outside 100-year flood hazard areas and floodways, as defined by Federal Emergency Management Agency official maps and areas subject to flooding as determined by the director of public works.

- h. Not subject to a natural community conservation plan, containing habitat for protected species, or under conservation easement.
 - i. Not located within a historic district, included in the State Historic Resources Inventory, or within a site listed as a County landmark or historic property.
 - j. Has legal access.
 - k. Unless served by community sewer, not located within a Regional Water Quality Control Board Prohibition Zone for new or expanded onsite wastewater treatment systems.
 - l. If served by onsite wastewater treatment system(s), complies with the LAMP and Title 19.
- (4) Eligible Demolition and Alteration of Existing Residences. The proposed subdivision would not require demolition or alteration of deed-restricted affordable housing rented or sold to very low-, low-, or moderate-income tenants; units subject to Title 25 (Mobilehome Rent Stabilization); or housing that has been occupied by a tenant in the last three years.
- (h) Setbacks. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure (replacement structure) except as required by public health and safety standards in accordance with subsection (b). Legal and physical access shall be provided when none exist, pursuant to the Subdivision Map Act and Section 22.52.020. For parcels served by onsite wastewater treatment systems, setbacks shall be in accordance with the LAMP and Title 19.
 - (i) Rights-of-Way and Offsite Improvements. Dedications of rights-of-way or the construction of offsite improvements for the parcels being created shall not be required as a condition of approval for urban lot split parcel maps, except as required by public health and safety regulations in accordance with subsection (b).
 - (j) Nonconforming Conditions. The correction of nonconforming zoning conditions shall not be required as condition of approval for urban lot splits except as required by an existing condition of a previous entitlement (such as certificate of compliance) or by public health and safety regulations in accordance with subsection (b). For parcels served by onsite wastewater treatment systems, the density requirements of the LAMP and Title 19 apply.
 - (k) Limitation of Use. Prior to recordation of the final parcel map, agreements shall be signed, notarized, and recorded to run with the property and two dwelling units inclusive of primary dwellings and accessory dwellings, and remain in effect in perpetuity (1) limiting the resulting parcels to residential uses and (2) limiting the rental of any dwelling unit created after an urban lot split to a term longer than 30 days. Only an existing residential unit, or the first residential unit constructed following approval of a parcel map in accordance with an urban lot split shall be exempt from this rental restriction.
 - (l) Owner Occupancy. The property owner shall sign an affidavit stating they intend to occupy one of the primary dwellings on one of the resulting parcels as their principal residence (1) for a minimum of three years from the final parcel map recordation date for the urban lot split or (2) for a minimum of three years from the date the first dwelling

unit permit is finalized if there are no existing residences at the time of final parcel map recordation, unless the owner is a community land trust or qualified non-profit corporation.

(m) Amendments to State Law. In the event California Government Code Section 66411.7 is amended to impose additional mandatory requirements on the approval of urban lot splits, those requirements shall be imposed without the need to amend this Section.

SECTION 4. The adoption of this ordinance is not considered a project under CEQA, pursuant to California Government Code Section 66411.7.(n), which states that a local ordinance adopted to implement State urban lot split standards shall not be considered a project under CEQA.

SECTION 5. 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 6. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof.

SECTION 7. Within 15 days after adoption of this ordinance, a summary shall be published once in a newspaper of general circulation 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.

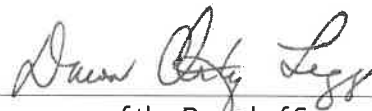
RECOMMENDED for adoption at a San Luis Obispo County Planning Commission meeting held on the 24th day of April, 2025 and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California on the 3rd day of June, 2025, by the following roll call vote, to wit:

AYES: Supervisors Jimmy Paulding, Bruce S. Gibson, John Peschong, Heather Moreno and Chairperson Dawn Ortiz-Legg

NOES: None

ABSENT: None

ABSTAINING: None



Chairperson of the Board of Supervisors
County of San Luis Obispo State of California

ATTEST:

MATTHEW PONTES

Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:

JON ANSOLABEHERE

County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: June 4, 2025

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **MATTHEW P. PONTES**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on June 12, 2025.

MATTHEW P. PONTES,
Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk of the Board of Supervisors