

ORDINANCE NO. 3537

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY
CODE, LAND USE ORDINANCE FOR THE INLAND AREAS, TO UPDATE
REGULATIONS RELATING TO URBAN DWELLINGS 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 dwellings in Title 22 of the San Luis Obispo County Code for consistency with State Law (California Government Code Section 65852.21) and to streamline and support affordable housing production. Any interpretation of this Ordinance shall be consistent with this purpose and intent. Per the 2020-2028 County Housing Element, dwelling units that are 1,200 square feet or smaller in size are considered low- and moderate-income affordable housing by design, which contribute to achieving the County's Regional Housing Needs Allocation objectives.

SECTION 2. County Code Section 22.06.030 is hereby amended as follows:

22.06.030 – Allowable Land Uses and Permit Requirements

TABLE 2-2 – ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	AG(9)	RL	RR	RS	RSF	RMF	SP	
RESIDENTIAL USES								
Urban Dwellings			P	P	P		Ref	22.30.471
Workforce Housing Subdivisions					A2	A2	Ref	2.30.477

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Urban Dwellings								22.30.471

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
Workforce Housing Subdivisions	A2	A2						22.30.477

SECTION 3. County Code Section 22.08.030 is hereby amended as follows:

22.08.030 – Project-Based Permit Requirements.

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TABLE 2-3

PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS

Land Use or Development Characteristic	Criteria (1)	Permit Requirement			
		Zoning Clearance	Site Plan Review	Minor Use Permit	Conditional Use Permit
Dwellings	Number of proposed single- or multi-family primary dwellings per site (2)	4 or fewer	5 to 15	16 to 24	25 or more

Notes:

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

...

SECTION 4. County Code Section 22.10.130 is hereby amended as follows:

22.10.130 – Residential Density.

The number of primary dwelling units that may be established on a site that complies with Section 22.10.110 et seq. (Minimum Site Area), is based upon the land use category applied to the site by the Land Use Element. This Section determines the maximum number of primary dwellings ~~single- or multi-family~~ units that may be allowed. The number of caretaker units and farm support units ~~agricultural worker dwellings~~ are determined instead by Sections 22.30.430 and 22.30.480.B and C., respectively. See Section 22.30.470 for regulations relating to the number of allowable accessory dwellings.

A. **Single-family dwellings and urban dwellings.** In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single-family dwellings ~~or mobile homes or urban dwellings~~ as permitted or conditional uses, the number of ~~primary~~ dwellings allowed on a single lot is as follows, provided that ~~manufactured homes or mobile homes~~ shall also comply with Section 22.30.450 (Residential - Mobile Homes), ~~urban dwellings~~ shall also comply with Section 22.30.471 (Residential - Urban Dwellings), and ~~parcels served by onsite wastewater treatment systems~~ shall also comply with the San Luis Obispo County Local Agency Management Program (LAMP) and Title 19:

1. **Agriculture and Rural Lands land use categories:** See Section 22.30.480 (Residential Uses in the Agriculture and Rural Land Use Categories). ~~Two for each legal parcel (parcel is defined in Chapter 22.80).~~

2. **Residential Multi-Family land use category:** The number of dwelling units allowed on a lot in the Residential Multi-Family land use category shall be as allowed in Subsection B, ~~except for workforce housing subdivisions processed pursuant to Section 22.30.477 and as allowed by Chapter 22.12—(Affordable Housing Incentives).~~

~~2.3. Single-Family Residential land use categories - Residential Rural, Residential Suburban, and Residential Single-Family~~ **Residential land use categories:** One for each legal parcel ~~(parcel is defined in Chapter 22.80), except as follows:~~

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

b. **Density-bonus projects.** The number of dwelling units allowed in a project that proposed affordable housing in compliance with Government Code 65915 or with Section 22.12.040—Inclusionary Housing, shall be determined by Chapter 22.12 (Affordable Housing Incentives).

c. ~~Residential Multi-Family category.~~ ~~The number of dwelling units allowed on a lot in the Residential Multi-Family category shall be as allowed in Subsection B, except for workforce housing subdivisions processed pursuant to Section 22.30.477.~~

d. ~~Accessory dwelling units.~~ ~~An accessory dwelling unit may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential - Accessory Dwellings).~~

c. **Urban dwellings.** A second primary residential dwelling may be established in addition to an existing single-family dwelling authorized by this Section, if allowed by Section 22.30.471.

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

d. **Workforce housing subdivisions.** Residential density in workforce housing subdivisions shall be as allowed by Section 22.30.477 - Residential - Workforce Housing Subdivisions.

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

- a. **Rural areas:** One unit per five acres where no community water or sewer service is provided; one unit per acre where community water or community sewer is provided. Parcels served by onsite wastewater treatment systems shall comply with the LAMP and Title 19.
- b. **Urban or village areas:** One unit per acre, except that one unit per 6,000 square feet is allowed where community sewer is provided. Parcels served by onsite wastewater treatment systems shall comply with the LAMP and Title 19. Community water is required for any residential development in thea Recreation land use category within an urban or village reserve line.

~~4.5. **Agriculture category.** Residential density on lands under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.~~

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

SECTION 5. County Code Section 22.10.135 is hereby added as follows:

22.10.135 – Residential Floor Area.

A. **Single-family and urban dwellings.** The maximum floor area for single-family dwellings and urban dwellings is as follows:

1. **Single-Family Residential land use categories – Residential Rural, Residential Suburban, and Residential Single-Family.**

- a. First primary dwelling: No maximum.
- b. Additional primary dwellings: 1,200 square feet.

2. **Non-Single-Family Residential land use categories.** No maximum, unless specified in one of the following sections:

- a. Section 22.30.480 – Residential Uses in the Agriculture and Rural Lands Land Use Categories.
- b. Section 22.30.490 – Residential Uses in Office or Commercial Retail Land Use Category.
- c. Section 22.30.500 – Residential Uses in the Recreation Land Use Category.

B. **Multi-family dwellings.** See Section 22.10.130.B.

C. **Accessory dwellings.** See Section 22.30.470.

D. **Caretaker units.** See Section 22.30.430.

E. **Agricultural worker dwellings.** See Section 22.30.480.B. and C.

SECTION 6. County Code Section 22.30.471, is hereby added as follows:

22.30.471 – Residential – Urban Dwellings.

A. Authority. Urban dwellings are authorized in accordance with California Government Code Section 65852.21.

B. Applicable standards. Urban dwellings are subject to all provisions of this title and public health and safety regulations (including but not limited to fire, drainage, flood control, wastewater, and water supply regulations) applicable to new dwellings, unless otherwise specified in this Section.

1. **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 an 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. Eligibility.

1. **Eligible areas.** Urban dwellings shall only be approved on parcels that meet all 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.

1. If served by onsite wastewater treatment system(s), complies with the San Luis Obispo County Local Agency Management Program (LAMP) and Title 19.

2. Eligible demolition and alteration of existing residences.

a. The urban dwelling shall 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.

b. When demolition and alteration of existing residences is allowed, only up to 25 percent of the existing exterior structural walls of the existing residence may be demolished to establish an urban dwelling.

D. Permit requirements. Urban dwellings require Zoning Clearance subject to ministerial approval. Submittal of urban dwelling plans shall include the following:

1. Checklist. Urban Dwelling checklist completed by the applicant, indicating the proposed urban dwelling adheres to this Section, applicable site constraints, and applicable public health and safety regulations in accordance with Subsection B.

2. Site Layout Plan. Site layout plan containing all required information for Zoning Clearance per Section 22.62.030.A.1 including all proposed urban dwelling(s) and anticipated accessory dwellings (Section 22.30.470), or if applicable, urban lot splits (Section 21.02.041) for the site.

E. Denial of urban dwelling applications.

1. Denial based on health and safety impacts. Urban dwellings 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).

2. Denial based on adjacent or connected structures. An urban dwelling shall not be denied solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

F. Density. One urban dwelling shall be allowed per eligible parcel with an existing single-family dwelling, consistent with density allowed in Section 22.10.130 (Residential Density), unless prohibited by public health and safety regulations in accordance with Subsection B. Urban dwelling is considered a primary use on a residential parcel.

G. Setbacks. Except as otherwise required by public health and safety regulations standards in accordance with Subsection B, setbacks for urban dwellings shall be as follows:

1. Front. Subject to the minimum setback requirements applicable to single-family dwellings on the site.

2. **Rear and side.** Four (4) feet minimum.
3. **Exception.** No setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure (replacement structure).
- H. **Parking.** One off-street parking space is required per urban dwelling in addition to the space(s) required for the existing primary dwelling. No off-street parking is required if there is a car share vehicle located within one block of the parcel.
- I. **Rental term agreement.** Prior to construction permit issuance, an agreement between the County and the owner must be signed, notarized, and recorded to run with the property and remain in effect in perpetuity limiting the rental of the urban dwelling unit to a term longer than 30 days.
- J. **Amendments to state law.** In the event California Government Code Section 65852.21 is amended to impose additional mandatory requirements on the approval of urban dwellings, those requirements shall be imposed without the need to amend this Section.
- K. **Conflict with state law.** If any provision of this section conflicts with California Government Code Section 65852.21, or other applicable state law, state law shall supersede the provisions of this section.

SECTION 7. County Code Chapter 22.80.030 is hereby amended as follows:

Chapter 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases

...

~~**Accessory Dwelling (land use).** An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the permitted primary residential use and shall be located on the same parcel as the primary residential use. required dwelling~~

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~~**Agricultural Worker Dwellings (land use).** Residential dwellings, including manufactured homes, or group quarters, such as dormitories or bunkhouses and mess halls, occupied by (1) employees of agricultural or ranching operations and (2) the spouses and children of those employees. [Added 2020, Ord. 3417]~~

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~~**Caretaker Residence (land use).** A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.~~

...

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 household or family.

Accessory Dwelling (land use). An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the permitted primary residential use and shall be located on the same parcel as the primary residential use. Includes junior accessory dwelling, which does not require separate sanitation provisions if interior access to existing primary dwelling is provided.

Agricultural Worker Dwellings (land use). Residential dwellings, including manufactured homes, or group quarters, (such as dormitories or bunkhouses and mess halls), occupied by (1) employees of agricultural or ranching operations and (2) the spouses and children of those employees.

Caretaker Residence (land use). A permanent residence that is secondary or accessory to the primary use of the site property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Multi-Family Dwellings (land use). Includes a building or a portion of a building used and/or designed as a residence for two or more households/families living independently of each other. Includes: duplexes, triplexes, and apartments; attached ownership units such as planned developments, condominiums, and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

Primary Dwellings. Dwellings that are considered a primary use on a parcel. Primary dwellings include: multi-family dwellings, single-family dwellings, and urban dwellings.

Single-Family Dwelling (land use). A building designed for and/or occupied exclusively by one household or family. Also includes attached ownership units using common wall development or airspace condominium ownership, where a proposed site qualifies for planned development through designation by planning area standard or through compliance with any planned development or cluster division standards of this Title. Also includes factory-built housing.

Urban Dwelling (land use). A second primary residential dwelling allowed on a parcel with an existing single-family dwelling in eligible areas as authorized by Section 22.30.471. Urban dwelling is considered a primary use on a residential parcel.

...

~~**Multi-Family Dwellings (land use).** Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes:~~

~~duplexes, triplexes and apartments; attached ownership units such as planned developments, condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).~~

~~[Amended 2013, Ord. 3242]~~

~~...~~

~~**Single-Family Dwelling (land use).** A building designed for an/or occupied exclusively by one family. Also includes attached ownership units using common wall development or airspace condominium ownership, where a proposed site qualifies for planned development through designation by planning area standard or through compliance with any planned development or cluster division standards of this Title. Also includes factory-built housing.~~

SECTION 8. The adoption of this ordinance is not considered a project under CEQA, pursuant to California Government Code Section 65852.21(j), which states that a local ordinance adopted to implement State urban dwelling unit standards shall not be considered a project under CEQA and California Government Code Section 21080.17, which states that a local ordinance adopted to implement State standards for accessory dwellings and junior accessory dwellings is statutorily exempt from CEQA.

SECTION 9. 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.

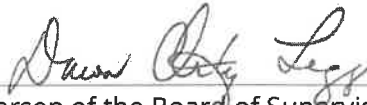
SECTION 10. This ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 11. 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.

SECTION 12. In accordance with Government Code Section 25131, after reading the title of this ordinance, further reading of the ordinance in full is waived.

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:

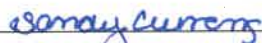
AYES: Supervisors Jimmy Paulding, Bruce S. Gibson, John Peschong, Heather Moreno and Chairperson Dawn Ortiz-Legg
NOES: None
ABSENT: None
ABSTAINING: None



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: 
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:

JON ANSOLABEHERE
County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: April 28, 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: 
Deputy Clerk of the Board of Supervisors