

ORDINANCE NO. **3525**

ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF NEW NOTICES OF INTENT  
TO SERVE FOR SEWER SERVICE IN COUNTY SERVICE AREA 18

The Board of Supervisors of the County of San Luis Obispo, State of California, acting as the Board of Supervisors of County Service Area 18 ("CSA 18"), does ordain as follows:

SECTION 1: FINDINGS. The Board of Supervisors of CSA 18 does hereby find, determine, and declare as follows:

- A. CSA 18 provides wastewater services to residences within and adjacent to the San Luis Obispo Country Club.
- B. The CSA 18 wastewater treatment facility consists of aerated lagoons providing secondary level treatment and disinfection using chlorine. The facility operates under the existing Recycled Water Requirements Order No. R3-2003-0004 ("Existing Order") adopted by the California Regional Water Quality Control Board, Central Coast Region (Water Board). Under this Existing Order, the treated effluent discharged from CSA 18 cannot exceed a monthly average flow of 120,000 gallons per day ("gpd"), among other parameters and requirements.
- C. In September 2020, the Water Board adopted General Waste Discharge Requirements Order No. R3-2020-0020 ("Large Systems Permit"), a regional general permit to regulate larger domestic wastewater systems. The Large Systems Permit was intended to replace older individual permits that needed to be updated to meet current water quality protection requirements.
- D. On April 6, 2022, the Water Board issued a notice of intent to enroll CSA 18 into the Large Systems Permit. To meet the water quality standards in the Large Systems Permit, the CSA 18 wastewater treatment facility would require significant infrastructure improvements.

- E. After discussions with the Water Board staff, it was determined that enrollment in the statewide order WQ 2014-0153-DWQ General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems ("Small Systems Permit") would be a viable alternative as long as the CSA 18 wastewater treatment facility did not exceed a monthly average flow of 100,000 gpd.
- F. In 2023, CSA 18 met the criteria for enrollment in the Small Systems Permit. However, the monthly average daily flow for January 2023 exceeded the 100,000 gpd limit and was within ten percent of exceeding the limit in December 2022 and March 2023, indicating that CSA 18 has reached its capacity to handle additional flows.
- G. County staff prepared a capacity study to analyze the flow and effluent limit currently entering the CSA 18 wastewater treatment facility and whether additional connections could be accommodated under the Small Systems Permit. The study disclosed that additional connections to CSA 18 could jeopardize eligibility for the Small Systems Permit.
- H. As used herein, the term "notice of intent to serve" refers to any written representation, statement or agreement that sewer service will be provided to any particular property or development.
- I. It is in the best interests of public health, safety and welfare that no new notices of intent to serve that increase sewer flow to CSA 18's wastewater treatment facility are issued to any property within CSA 18 until the Board of Supervisors determines that any of the following conditions are satisfied:
  - a. CSA 18's wastewater treatment facility has become capable of meeting all requirements of the Large Systems Permit; or
  - b. CSA 18 becomes eligible for, and the Water Board approves, a separate permit that would accommodate additional connections.
- J. The issuance of any further notices of intent to serve that increase sewer flow to CSA 18's wastewater treatment facility would be contrary to the best interests of the public's health, safety, and welfare unless the conditions of this Ordinance are satisfied.

SECTION 2: MORATORIUM ON ISSUANCE OF NEW NOTICES OF INTENT TO SERVE.

Unless otherwise permitted by this Ordinance, the County shall not issue new notices of intent to serve that would increase sewer flow to CSA 18's wastewater treatment facility until the Board of Supervisors determines that any of the following conditions are satisfied:

- a. CSA 18's wastewater treatment facility has become capable of meeting all requirements of the Large Systems Permit; or
- b. CSA 18 becomes eligible for, and the Water Board approves, a separate permit that would accommodate additional connections.

SECTION 3: EXEMPTIONS TO MORATORIUM. Nothing in this Ordinance limits the discretion of the Board of Supervisors, or the Director of Public Works or designee, to:

- a. Issue a notice of intent to serve letter or provide sanitary sewer service to a property if required by law;
- b. Provide sanitary sewer service to a property consistent with a pre-existing, unexpired permit or pre-existing, unexpired notice of intent to serve letter; or
- c. Provide a notice of intent to serve letter to a property currently receiving sanitary sewer service if necessary for remodels or other minor alterations to pre-existing structures on said property.

SECTION 4: DISCRETION TO NOT ISSUE NOTICES OF INTENT TO SERVE. Nothing in this Ordinance limits the discretion of the Board of Supervisors, or the Director of Public Works or designee, to refrain from issuing a notice of intent to serve letter or provide sanitary sewer service to any property when such issuance or provision would be contrary to the public health, safety, or welfare.

SECTION 5: SUSPENSION OF SEWER AVAILABILITY CHARGES. For the duration of the moratorium, all sewer availability charges for parcels without a pre-existing, unexpired notice of intent to serve shall be suspended. Nothing in this Ordinance is intended to limit the Board of Supervisors' authority to resume the levy of sewer availability charges for parcels without a notice intent to serve once the moratorium is no longer in effect.

SECTION 6: DURATION OF ORDINANCE: The provisions of this Ordinance shall remain in effect until the sooner of either of the following: (1) five years from the effective date of this Ordinance; or (2) such date as this Ordinance is repealed.

SECTION 7: SEVERABILITY. 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 8: EFFECTIVE DATE. This Ordinance shall take effect and be in full force thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 4<sup>th</sup> day of February, 2025, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 25<sup>th</sup> day of February, 2025, by the following roll call vote, to wit:

AYES:	Supervisors Gibson, Moreno, Peschong, Paulding and Chairperson Ortiz-Legg
NOES:	None
ABSENT:	None
ABSTAINING:	None

Dawn Ortiz-Legg  
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Chairperson of the Board of Supervisors

ATTEST:

MATT PONTES  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin

Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM & EFFECT:  
RITA L. NEAL  
COUNTY COUNSEL

By: /s/ Daniel Solish  
Deputy County Counsel

Date: January 24, 2025

<p>STATE OF CALIFORNIA        )        ss. COUNTY OF SAN LUIS OBISPO)</p> <p>I, <b>MATTHEW P. PONTES</b>, 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.</p> <p>Witness, my hand and seal of said Board of Supervisors on February 26, 2025.</p> <p><b>MATTHEW P. PONTES</b> County Administrative Office and Ex-Officio Clerk of the Board of Supervisors</p> <p>By: <u>Niki Martin</u> Deputy Clerk</p>
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