

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/4/2014	(3) CONTACT/PHONE James Caruso, Senior Planner / 805-781-5702	
(4) SUBJECT Introduction of an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at time of sale. Hearing date set for November 25, 2014. District 2			
(5) RECOMMENDED ACTION It is recommended that the Board introduce the attached ordinance in Attachment 1 (Exhibit LRP2013-00007:A) and direct the Clerk to set for public hearing and action on November 25, 2014.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>4/8/2008</u> ; <u>1/14/14</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / James Caruso, Senior Planner

VIA: Trevor Keith, Division Manager

DATE: 11/4/2014

SUBJECT: Introduction of an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at time of sale. Hearing date set for November 25, 2014. District 2

## **RECOMMENDATION**

It is recommended that the Board introduce the attached ordinance in Attachment 1 (Exhibit LRP2013-00007:A) and direct the Clerk to set for public hearing and action on November 25, 2014.

## **DISCUSSION**

This ordinance amendment is being introduced on your November 4, 2014 agenda in order to hold a public hearing and take action at your November 25, 2014 meeting. Discussion of the proposed amendment can occur today; however, if *substantial changes* are made to the attached amendment today, the item *as changed* will have to be introduced on November 25, 2014 for adoption in December.

The following ordinance is recommended for introduction today for hearing on November 25, 2014:

County File No. LRP2013-00007A--Hearing to consider a request by the County of San Luis Obispo to amend Section 8.91 (Retrofit of Plumbing Fixtures Upon Sale in the Los Osos Groundwater Basin) of the Health and Sanitation Code (Title 8 of the County Code) to revise the existing program that requires homes and businesses in the Los Osos Groundwater Basin to retrofit plumbing fixtures prior to transfer of title. Supervisorial District: 2.

Attachment 1 shows the proposed ordinance amendment. Attachment 2 shows the proposed ordinance amendment with legislative changes.

## **Background**

On January 14, 2014, your Board authorized processing of amendments to the two Los Osos Groundwater Basin plumbing retrofit programs to address circumstances that have changed in the 6½ years since the programs' adoption. This staff report addresses the proposed amendment to Title 8, the Retrofit-on-Sale program. A separate staff report addresses the proposed amendment to Title 19, the Retrofit-to-Build program.

Your Board established the Retrofit-on-Sale program on April 22, 2008 by amending the Health and Sanitation Code (Title 8 of the County Code). The Los Osos Retrofit-on-Sale program requires sellers of real property within the Los Osos Groundwater Basin to replace existing plumbing fixtures in homes and businesses with water-efficient plumbing fixtures prior to transfer of title. Since 2008, the community has implemented several successful retrofit programs. The effect of these successful programs has been to greatly reduce the number of homes that are available for retrofitting, especially in certain areas of the community.

### **Proposed Revisions to the Retrofit-on-Sale Program**

#### **1. Discontinue the Program in the Prohibition Zone**

The majority of residences in the Prohibition Zone (PZ) have already been retrofitted, either through this program or through the wastewater project mandatory retrofit program in the PZ. Since the remaining residences in the PZ will be required to retrofit prior to hooking up to the new system, staff recommends discontinuing the Retrofit-on-Sale program in the PZ. This change will eliminate administrative and retrofit costs to buyers, sellers, and representatives.

#### **2. Revise the Efficiency Standard for Urinals in Commercial Units**

Due to complaints, mainly health and safety related, that staff has received about waterless urinals, staff recommends requiring that urinals in commercial structures use no more than 1.0 gallons per flush instead of requiring waterless urinals.

#### **3. Clarifications**

Staff recommends making additional changes to the Retrofit-on-Sale program to clarify language that was unclear in the original text. The following should be exempt from program requirements:

- Existing 1.6 gallon-per-flush toilets
- Homes built after January 1, 1994, because federal and state law required water-efficient plumbing fixtures in all new construction after that date.
- Historic facilities when approved by the Planning and Building Director

### **OTHER AGENCY INVOLVEMENT/IMPACT**

The proposed amendment was referred to the Los Osos Community Advisory Council and the Los Osos Community Services District. This ordinance amendment has been reviewed by County Counsel as to form and legal effect.

### **FINANCIAL CONSIDERATIONS**

No financial impacts to the current County budget.

### **RESULTS**

Introduction of this amendment today will allow it to be heard on November 25, 2014, and if adopted, to become effective on December 25, 2014. If the amendment is adopted, existing residential, commercial and other buildings built after January 1, 1994 outside of the prohibition zone must have their toilets, showerheads and aerators retrofitted prior to transfer of title.

**ATTACHMENTS**

1. Exhibit LRP2013-0007:A: Amendment to Title 8 of the County Code
2. Exhibit LRP2013-0007:B: Amendment to Title 8 of the County Code – Legislative Changes
3. Exhibit LRP2013-0007:C: Findings