EXHIBIT LRP2013-0007:E

ORDINANCE NO._____

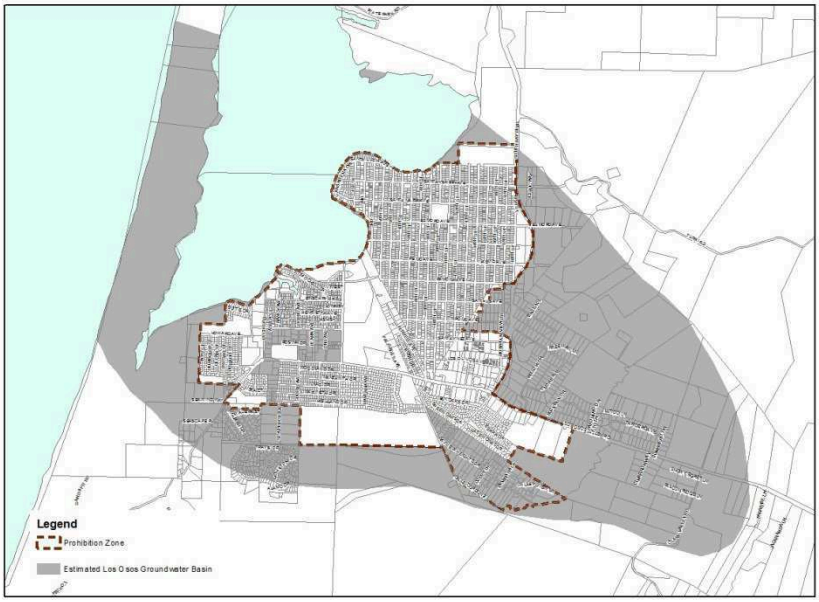
AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.07.042 RELATING TO WATER CONSERVATION IN THE LOS OSOS GROUNDWATER BASIN

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

SECTION 1: Section 19.07.042 of the Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended by revising subsection b as follows:

(e) Los Osos Groundwater Basin. In addition to the requirements in subsections (a), (b) and (c) above, the requirements in subsections (e)(1) through (e)(10)~~(9)~~ below shall apply to all new development that uses water from the Los Osos groundwater basin shown in Figure 7~~20~~-2.

Figure 7~~20~~-2. Los Osos Groundwater Basin and Prohibition Zone, not to scale



(1) The developer of any new structure that uses water from the Los Osos groundwater basin shall install plumbing fixtures that meet the following requirements:
   (A) Toilets rated at no more than 1.28 gallons per flush (HET);
   (B) Showerheads rated at no more than 2.5 gallons per minute;
   (C) Bathroom sink aerators with a volume of no more than one gallon per minute;

(D) Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty pipe-feet from the hot water heater;

(E) Commercial structures shall use ~~waterless~~ urinals rated at no more than 1.0 gallons per flush;

(F) New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code.

(2) Prior to issuance of a construction permit for a new structure with plumbing fixtures that use water from the Los Osos groundwater basin, the developer of such new structure shall retrofit plumbing fixtures in existing structures within the Los Osos groundwater basin, but outside the Prohibition Zone as shown in Figure 7-2. The number and type of plumbing fixtures to be installed shall be as required in the equivalency table as adopted and codified in Appendix A. The equivalency table indicates the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled structure. A package of proposed retrofits and water conservation requirements must add up to no less than the minimum requirements established in Appendix A.

(3) Any addition of one hundred twenty square feet or more to an existing structure that uses water from the Los Osos groundwater basin shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

(A) Toilets rated at no more than 1.28 gallons per flush (HET);

(B) Showerheads rated at no more than 2.5 gallons per minute;

(C) Bathroom sink aerators with a volume of no more than one gallon per minute;

(D) All urinals in commercial structures shall be replaced with ~~waterless~~ urinals rated at no more than 1.0 gallons per flush.

(4) Any remodel of an existing structure that uses water from the Los Osos groundwater basin that requires a construction permit pursuant to this title~~, and that includes replacement of plumbing fixtures in the kitchen or any bathroom,~~ shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

(A) Toilets rated at no more than 1.28 gallons per flush (HET);

(B) Showerheads rated at no more than 2.5 gallons per minute;

(C) Bathroom sink aerators with a volume of no more than one gallon per minute;

(D) All urinals in commercial structures shall be replaced with ~~waterless~~ urinals rated at no more than 1.0 gallons per flush.

(5) The planning director (or designee) is authorized to make determinations for fixtures or projects not specifically designated in the equivalency table in Appendix A.

(6) The equivalency table in Appendix A may be amended by the planning director from time to time to reflect changes in water use and/or water savings.

(7) Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use figures to the department of planning and building in order to gauge the effectiveness of the program to the extent allowed by California Law.

(8) Upon retrofitting of the required number of fixtures, the developer shall submit evidence of the completed retrofits to the department of planning and building. This evidence shall consist of a retrofit verification declaration completed and executed by a licensed plumber and/or contractor. The retrofit verification declaration shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel.

(9) Upon submittal to the San Luis Obispo County department of planning and building of a completed and executed retrofit verification declaration accompanied by the required fee, the developer shall be issued a water conservation certificate from the department of planning and building. Once the water conservation certificate is issued, the new structure may receive final occupancy approval. The water conservation certificate shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel, except as provided in the following subsection (e) (10).

(10) Water Conservation Certificates that were issued for vacant parcels inside the Prohibition Zone prior to the effective date of this ordinance may be transferred to specified vacant parcels or land use permits for vacant parcels outside the Prohibition Zone one time before January 1, 2019. These water conservation certificates are encouraged to be transferred to vacant parcels with approved Minor Use Permits.

(Ord. 3146 §§ 1, 2, 2008; Ord. 3139 § 1 (part), 2007)

(Ord. No. 3160, §§ 1, 2, 10-21-08)

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

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. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, 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.

INTRODUCED at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2014, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the_____ day of _____, 2014, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____
Chairman of the Board of Supervisors,

County of San Luis Obispo,
State of California

ATTEST:

_____
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By:_____
Deputy County Counsel

Dated: _____