

# LAND USE ORDINANCE

SAN LUIS OBISPO COUNTY GENERAL PLAN



OPEN DOCUMENT

**TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE**

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

COUNTY OF SAN LUIS OBISPO

**LAND USE ORDINANCE**  
**TITLE 22 OF THE COUNTY CODE**

ADOPTED BY  
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS  
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COUNTY OF SAN LUIS OBISPO

**LAND USE ORDINANCE**  
TITLE 22 OF THE COUNTY CODE

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**COUNTY OF SAN LUIS OBISPO**

Adopted December 18, 1980, Ordinance 2050  
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April 27, 1981	Ord. 2063	July 21, 1987	Ord. 2314
June 30, 1981	Ord. 2066	August 25, 1987	Ord. 2319
September 14, 1981	Ord. 2075	August 25, 1987	Ord. 2320
December 14, 1981	Ord. 2087	December 15, 1987	Ord. 2332
December 21, 1981	Ord. 2089	February 9, 1988	Ord. 2339
January 18, 1982	Ord. 2091	March 1, 1988	Ord. 2344
January 18, 1982	Ord. 2092	March 1, 1988	Ord. 2345
May 24, 1982	Ord. 2096	September 6, 1988	Ord. 2367
August 2, 1982	Ord. 2102	November 22, 1988	Ord. 2380
September 13, 1982	Ord. 2106	August 22, 1989	Ord. 2409
November 8, 1982	Ord. 2109	October 3, 1989	Ord. 2417
December 13, 1982	Ord. 2112	November 21, 1989	Ord. 2428
April 18, 1983	Ord. 2122	May 1, 1990	Ord. 2444
October 17, 1983	Ord. 2144	April 16, 1991	Ord. 2499
December 12, 1983	Ord. 2158	August 20, 1991	Ord. 2523
January 24, 1984	Ord. 2163	April 10, 1992	Ord. 2539
February 6, 1984	Ord. 2164	June 4, 1992	Ord. 2545
September 25, 1984	Ord. 2195	June 26, 1992	Ord. 2553
November 6, 1984	Ord. 2198	October 21, 1992	Ord. 2572
February 5, 1985	Ord. 2211	October 21, 1992	Ord. 2573
February 13, 1985	Ord. 2213	October 27, 1992	Ord. 2578
April 23, 1985	Ord. 2215	October 27, 1992	Ord. 2583
May 28, 1985	Ord. 2217	April 27, 1993	Ord. 2615
July 16, 1985	Ord. 2223	December 14, 1993	Ord. 2648
December 17, 1985	Ord. 2238	August 23, 1994	Ord. 2687
December 17, 1985	Ord. 2239	October 4, 1994	Ord. 2693
December 17, 1985	Ord. 2240	October 11, 1994	Ord. 2696
March 11, 1986	Ord. 2250	March 21, 1995	Ord. 2714
March 18, 1986	Ord. 2251	December 5, 1995	Ord. 2741
May 6, 1986	Ord. 2256	October 8, 1996	Ord. 2776
May 6, 1986	Ord. 2257	April 27, 1999	Ord. 2863
August 19, 1986	Ord. 2267	October 19, 1999	Ord. 2880
September 2, 1986	Ord. 2269	October 19, 1999	Ord. 2883
October 21, 1986	Ord. 2277	October 19, 1999	Ord. 2884
October 21, 1986	Ord. 2278	August 22, 2000	Ord. 2914
December 16, 1986	Ord. 2289	November 21, 2001	Ord. 2942
December 16, 1986	Ord. 2290	November 5, 2002	Ord. 2982
January 27, 1987	Ord. 2293	May 8, 2003	Ord. 2993
May 26, 1987	Ord. 2309	May 8, 2003	Ord. 2994
July 14, 1987	Ord. 2313		

# ARTICLE 1

## Land Use Ordinance

### Enactment and Applicability

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## **CHAPTER 22.01 - PURPOSE AND EFFECT OF LAND USE ORDINANCE**

### **Sections:**

- 22.01.010 - Title and Purpose
- 22.01.020 - Authority, Relationship to General Plan
- 22.01.030 - Maps and Text Included by Reference
- 22.01.040 - Open Space Zoning
- 22.01.050 - Applicability of the Land Use Ordinance
- 22.01.060 - Land Use Permits Required
- 22.01.070 - Compliance with Standards Required
- 22.01.080 - Penalty for Violation
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- 22.01.110 - Severability of Provisions

### **22.01.010 - Title and Purpose**

This Title is the Land Use Ordinance of the county of San Luis Obispo, Title 22 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare, and more particularly:

- A. To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;
- B. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county;
- C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;
- D. To protect and enhance the significant natural, historic, archaeological and scenic resources within the county as identified by the county General Plan; and
- E. To assist the public in identifying and understanding regulations affecting the development and use of land.

*[22.01.010]*

**22.01.020 - Authority, Relationship to General Plan**

- A. The Land Use Ordinance is adopted in compliance with the authority vested in the county of San Luis Obispo by the state of California, including but not limited to: the state constitution; Sections 65800 et seq. of the Government Code; and the California Environmental Quality Act, Coastal Act, Housing Act, Subdivision Map Act, Health and Safety Code, and the Surface Mining and Reclamation Act.
- B. The Land Use Ordinance is the primary tool used by San Luis Obispo County to carry out the goals, objectives, and policies of the San Luis Obispo County General Plan, hereafter referred to as the "General Plan." The Board of Supervisors intends that the Land Use Ordinance be consistent with the General Plan, and that any land use, subdivision, or development approved in compliance with the Land Use Ordinance will also be consistent with the General Plan.

[22.01.020]

**22.01.030 - Maps and Text Included by Reference**

To effectively implement the policies of the San Luis Obispo County General Plan, the following documents, including contents of the Land Use Element adopted by Board of Supervisors Resolution 80-350 and all amendments thereto, are hereby adopted and included by reference as part of this Title, in compliance with Government Code Sections 65800 et seq., as though they were fully set forth here.

**A. Land Use Element provisions:**

- 1. **Land use categories.** The land use categories described in Framework for Planning, Part I of the Land Use Element;
- 2. **Combining designations.** The combining designations described in Framework for Planning, Part I of the Land Use Element, as supplemental categories used on the official maps to identify areas where special characteristics, resources, or hazards to the public necessitate review of proposed land uses to evaluate their compatibility with those characteristics, resources or hazards; and
- 3. **Official maps.** The maps identified as the Official Land Use Maps of San Luis Obispo County, Part III of the Land Use Element, on file in the Department of Planning and Building.

- B. Building line maps.** The maps adopted in compliance with prior Zoning Ordinance Section 22.06.060c for measuring required yard dimensions and building locations with respect to building lines, which remain in effect; except the Building Line Maps for Paso Robles Beach Subdivisions 1, 2 and 3 in Cayucos, which have been repealed.

[Amended 1983, Ord. 2122; 1984, Ord. 2163] [22.01.022]

**22.01.040 - Open Space Zoning**

- A. Open space provisions.** The intent and purpose of each of the following provisions, together with all other applicable provisions of this Title, are consistent with the intent of the Agriculture and Open Space Element, and shall constitute the Open Space Zoning Ordinance of San Luis Obispo County in compliance with Government Code Sections 65910 et seq.:
1. The Agriculture (AG), Rural Lands (RL), Recreation (REC) and Open Space (OS) land use categories; and the Flood Hazard (FH), and Sensitive Resource Area (SRA) combining designations of the Land Use Element;
  2. Chapters 22.14 (Combining Designations) and 22.22 (Subdivision Design Standards) of this Title.
- B. Public access or use.** In cases where the Land Use Element designates a property in the Open Space or Recreation land use categories, in the Sensitive Resource Area or Historic Area combining designations, or where the Land Use Element identifies a need for open space preservation through easement, contract, or other instrument, the designation does not in and of itself convey or imply any right of public use, access, trespass, or violation of privacy.

[22.01.023]

**22.01.050 - Applicability of the Land Use Ordinance**

The provisions of this Title apply to all land use and development activities within the unincorporated areas of San Luis Obispo County, as follows, except uses and activities located within the Coastal Zone defined by the California Coastal Act of 1976, which are instead subject to the provisions of Title 23 of this Code (the Coastal Zone Land Use Ordinance):

- A. Proposed uses.** The provisions of this Title apply to all lots, buildings, structures and uses of land or bodies of water to be created, established, constructed, altered or replaced after the adoption of this Title unless specifically exempted by this Section. It shall be unlawful and a violation of this code for any person to establish, construct, alter, replace, operate or maintain any building, structure, use of land or body of water, contrary to or without satisfying all applicable provisions of this Title.
- B. Public roads.** The provisions of this Title are not applicable to the construction and maintenance of public roads and other improvements within road rights-of-way by the county of San Luis Obispo or its contractors.
- C. Effect on existing uses.** The provisions of this Title are not retroactive in their effect on a use of land lawfully established as of the date of adoption of this Title or any amendment, unless an alteration, expansion or modification to an existing use is proposed which requires a land use permit in compliance with this Title.

**D. Effect on previously issued permits.** This Section determines how the Land Use Ordinance affects land use permits issued before the adoption of this Title under the provisions of Ordinance 603 (the Zoning Ordinance of the County of San Luis Obispo) and all amendments thereto, and land use permits issued before amendments to this Title or the Land Use Element which would now be subject to different requirements.

1. **Affected permits.** The land use permits and other approvals that are subject to the provisions of this Subsection include all:
  - a. Building Permits, Departmental Review approvals, Conditional Use Permits, Development Plans, and Variances, approved and issued in compliance with the Zoning Ordinance, which authorized uses still allowed in their locations by this Title; and
  - b. Building Permits, Plot Plan approvals, Zoning Clearances, Site Plan approvals, Site Plan Review approvals, Minor Use Permits, Conditional Use Permits, Development Plan approvals, and Variances, approved and issued in compliance with this Title, which authorized uses still allowed in their locations by this Title,
2. **Entitlements consistent with the Land Use Ordinance.** The permits listed in Subsection D.1 above, shall be deemed to have been issued in compliance with this Title as follows.
  - a. A Building Permit and/or Plot Plan approval shall be treated for all purposes as if it were a Zoning Clearance.
  - b. A Departmental Review shall be treated for all purposes as if it were a Site Plan Review if Site Plan Review would now be required by this Title to authorize the use; as a Minor Use Permit if a Minor Use Permit would now be required by this Title to authorize the use; and as a Conditional Use Permit if a Conditional Use Permit would now be required by this Title to authorize the use.
  - c. A Conditional Use Permit or Development Plan shall be treated for all purposes as if they were Conditional Use Permits.
  - d. A Variance issued in compliance with the Zoning Ordinance that is also in compliance with the provisions of this Title shall be treated for all purposes as if it were a Variance issued in compliance with the Land Use Ordinance.
3. **Compliance with current standards required.** Any construction, expansion or alteration of an approved use after the effective date of this Title, and beyond the development authorized by the original entitlement or after the initial construction in a phased project, shall comply with all applicable provisions of this Title, or any conditions of approval adopted with the original permit or approval, whichever are more restrictive.

4. **Compliance with conditions of approval required.** Any conditions of approval adopted with any of the permits or approvals listed in this Subsection shall remain in full force and effect, except that the conditions shall be superseded by any applicable provisions of this Title that are more restrictive.
5. **Completion of existing uses.** Nothing in the title shall require any change in the plans, construction or approved use of a building or structure for which a permit has been issued before the effective date of this Title (December 18, 1980), or any amendment to the Land Use Element or this Title which changes allowable uses of land, land use permit requirements or other applicable provisions of this Title, provided construction is commenced and completed as follows:
  - a. **Building permits.** Site work has progressed beyond grading and completion of structural foundations within 180 days after building permit issuance.
  - b. **Land use permits.** Projects authorized by approval of Departmental Reviews, Conditional Use Permits, Variances and Development Plans for which construction permits have not been obtained as of the effective date of this Title are to be established through obtaining construction permits and completing substantial site work (see Section 22.64.080 - Substantial Site Work Defined) within one year of the effective date of the Departmental Review, Conditional Use Permit, Variance, Development Plan, or within any extension of time granted such entitlements before the effective date of the Land Use Ordinance; provided that any project that was approved for phased construction under the previous zoning entitlement may continue under the approved phasing schedule. (No entitlement approved under Ordinance 603 or any amendment thereto shall be granted a time extension under Section 22.64.070 (Land Use Permit Extensions of Time) after the effective date of the Land Use Ordinance except entitlements in compliance with the provisions of Subsection D.2.)
6. **Entitlements void.** The following entitlements granted, approved or issued before the effective date of this Title are hereby repealed and deemed void, except as provided by Subsections D.2 and D.5:
  - a. Conditional Use Permits and Variances granted in compliance with Chapter 22.92 of the Zoning Ordinance;
  - b. Departmental Review approvals granted in compliance with Chapter 22.93 of the Zoning Ordinance;
  - c. Development Plans and Planned Developments approved in compliance with Chapters 22.20, 22.46, 22.62, and 22.74 of the Zoning Ordinance;
  - d. Rezoning and amendments approved in compliance with Chapter 22.94 of the Zoning Ordinance.

7. **Effect of void entitlement.** In any case where an entitlement is deemed void in compliance with Subsection D.6, the effect on an approved land use of its entitlement becoming void shall be as follows:
- a. **Existing use.** A use established before the effective date of this Title shall become a legal nonconforming use subject to all applicable provisions of Chapter 22.72 (Nonconforming Uses, Structures, Parcels, and Signs), provided that any conditions of approval applicable to the use shall remain in full force and effect.
  - b. **Non-existing use.** A use of land authorized by an entitlement that became void in compliance with Subsection D.6, for which substantial site work has not been completed as of the effective date of this Title (see Section 22.64.080 - Substantial Site Work Defined), shall be prohibited except as provided by Subsection D.3.

[Amended 1981, Ord. 2163; 1982, Ord. 2091; 1986, Ord. 2250; 1988, Ord. 2344; 1992, Ord. 2553]  
 [22.01.030]

### 22.01.060 - Land Use Permits Required

No person shall establish, construct, alter or replace any use of land, structure or building without first obtaining all permits required by Article 2 (Allowable Land Uses and Permit Requirements) or other applicable section of this Title. [Amended 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553] [22.01.031]

### 22.01.070 - Compliance with Standards Required

Compliance with applicable provisions of this Title and code is required as follows:

- A. **Land uses, buildings and parcels.** No use of land, buildings, or division of land shall be established and no application for a use of land, buildings, or land division in compliance with Title 21 of this code shall be approved unless the proposed land use, building, or parcels satisfy all applicable requirements of this code.
- B. **Operation and conduct of existing land uses.** All uses of land, buildings and bodies of water established, constructed, altered or replaced after the adoption of this Title shall at all times be operated, conducted and maintained in a manner consistent with all applicable provisions of this code.
- C. **Application where violation exists.** No application for land use permit, construction permit or land division shall be approved where an existing land use, building or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, this code or any condition of approval of a land use permit, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new proposed use, or recordation of a final or parcel map in the case of a land division or the permit is necessary to maintain the health and/or safety of the occupants.

**D. Conflicts with other requirements.** If conflicts occur between a planning area standard of Article 9 and other provisions of this Title, the planning area standard shall control, except in cases where additional density is granted through participation in the voluntary TDC Program established in Framework for Planning. In those cases, the base density (in compliance with Section 22.10.130) may be derived from the planning area standard, where a minimum parcel size has been established. Any density bonus shall comply with the standards of this Title, unless the density bonus is specifically set forth in the planning area standard.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1996, Ord. 2776; 1999, Ord. 2883]  
[22.01.033]

### **22.01.080 - Penalty for Violation**

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the county of San Luis Obispo or cause the same to be done contrary to or in violation of any provision of this Title or any provisions of the codes, rules or regulations adopted in this Title. No person shall violate any of the provisions, or fail to comply with any of the requirements of this Title. The penalties for violation of the provisions of this Title are in Chapter 22.74 (Enforcement). [Added 1988, Ord. 2339] [22.01.036]

### **22.01.090 - Administration of the Land Use Ordinance**

This Title shall be administered by the San Luis Obispo County Board of Supervisors (hereafter referred to as the "Board"), the Planning Commission (hereafter referred to as the "Commission") the Director of Planning and Building (hereafter referred to as the "Director"), the Department of Planning and Building (hereafter referred to as the "Department"), and the Zoning Administrator, in compliance with Article 7 (Land Use Ordinance Administration). [Amended 1986, Ord. 2250; 1992, Ord. 2553]

**22.01.100 - Time for Judicial Review**

Any court action or proceeding to attack, review, set aside, void or annul any decision of matters set forth in this Land Use Ordinance otherwise subject to court review (other than those listed in Government Code Section 65907), or concerning any of the proceedings, acts or determinations taken, done or made before such decisions, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is filed within 90 days after the date such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decisions, proceedings, acts or determinations. [22.01.080]

**22.01.110 - Severability of Provisions**

If any chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of the Land Use Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, such decisions shall not affect the validity of the remaining portions of the Land Use Ordinance. It is hereby declared that this Land Use Ordinance and each chapter, section, Subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof would have been adopted irrespective of the fact that one or more of such portions of the Land Use Ordinance be declared invalid, unconstitutional or unenforceable. [22.01.082]

## CHAPTER 22.02 - INTERPRETATION OF LAND USE ORDINANCE PROVISIONS

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### Sections:

- 22.02.010 - Purpose of Chapter
- 22.02.020 - Rules of Interpretation
- 22.02.030 - Interpretation Procedure

### 22.02.010 - Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Title. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Title and the General Plan. Any questions about the interpretation or applicability of any provision of this Title shall be resolved in compliance with this Section.

### 22.02.020 - Rules of Interpretation

- A. **Authority.** The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title.
- B. **Effect of provisions.**
  - 1. **Minimum requirements.** The regulations and standards set forth in this Title shall be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Title.
  - 2. **Effect upon private agreements.** It is not intended that these regulations shall interfere with or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land, or upon the height of structures, or require larger open spaces than are imposed or required by other ordinances, rules, or regulations, or by covenants, easements or agreements, these regulations shall control.
- C. **Language.**
  - 1. **Construction.** When used in this Title, the words "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular. "Including" means "including, but not limited to . . .".

2. **Definitions.** Definitions of the specialized terms and phrases used in this Title are contained in Article 8 (Land Use Ordinance Definitions), or in certain other sections of this Title where the terms and phrases are used.
3. **Time of day.** Whenever a certain hour or time of day is specified in this Title, or any permit, condition of approval or notice issued or given in compliance with this Title, the hour shall be standard time or daylight savings time, whichever is in current use in the county.
4. **Number of days.** When a number of days is specified in this Title, or in any permit, condition of approval or notice issued or given in compliance with this Title, the number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days. When the term "week" is used, it shall mean the days from Sunday to the following Saturday, inclusive. If the last day for the performance of any act required to be performed within a specified time is a holiday, then the time period shall be extended to, and shall include, the next day that is not a holiday. The term "holiday" shall mean Saturday, Sunday, and all days when the County offices are closed for the entire day.
5. **Rounding of quantities.** Whenever this Title requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development expressed in numerical quantities that are fractions of whole numbers, and this Title uses the quantities in the form of whole numbers only, the numbers shall be rounded to the next highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5; provided, however, that quantities expressing areas of land are to be rounded only in the case of square footage, and shall not be rounded in the case of acreage.
6. **Internal cross-references.** When a provision of this Title refers to a requirement elsewhere, the subject of the cross reference is assumed to be another Chapter or provision of this Title, or another provision within the same Section, unless the title of another document is provided. For example:
  - a. "See Section 22.02.040" means "See Section 22.02.040 *of this Title*";
  - b. "... in compliance with Subsection D.2," means "... in compliance with Subsection D.2 *of this Section*"; and
  - c. "See Chapter 9.30 of this Code," means "See Chapter 9.30 *of the San Luis Obispo County Code*."

7. **Site area measured.** For any uses that require a minimum site area, the area used shall be the net site area (defined in Article 8 (Land Use Ordinance Definitions) as "Site Area, Net"). For parcels of one acre or greater, site area greater than or equal to 0.995 acres net will be rounded up for the purposes of defining net site areas. For example, a parcel of 4.995 acres net will be considered as conforming to a five acre net site area requirement. A parcel of 0.90 acres net would *not* be considered as conforming to a one acre net site area requirement. [Added 1994, Ord. 2696]

**D. Map boundaries and symbols.** If questions arise about the location of any land use category or combining designation boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures are to be used to resolve these questions in the event that planning area standards (Article 9), do not define precise boundary or symbol location:

1. Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.
2. Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the land use category shall be considered to extend to the centerline of the right-of-way.
3. Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right- of-way, street or alleyway, the boundary location shall be determined by the Department, based upon the character of the particular feature used as a boundary.
4. In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries is to be determined through Conditional Use Permit review and approval (Section 22.62.060), before any development.
5. In other cases where boundaries are not related to property lines or contours, planning area standards (Article 9) define the precise boundary location or the necessary procedure for determining its location.
6. Symbols used to delineate a combining designation may not be property specific. In the case of Historic, and Energy and Extractive area symbols, the text of the applicable Land Use Element area plan will identify the extent of the area covered by the symbol application.
7. Symbols indicating proposed public facilities are not property specific. They show only the general area within which a specific facility should be established. The actual distance around a symbol where a facility may be located is defined by Framework for Planning, Part I of the Land Use Element.

**E. Allowable uses.** See Section 22.06.030.C (Uses Not Listed).

[Amended 1982, Ord. 2091; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696]

[22.01.041]

Interpretations

22.02.030

### **22.02.030 - Interpretation Procedure**

If questions arise from persons or bodies charged with administering this Title about its content or application, the Commission shall ascertain all pertinent facts, and by resolution set forth its findings and interpretation. The resolution shall be forwarded to the Board, which shall consider the findings and interpretation of the Commission and render a final decision and interpretation on the matter. Thereafter the interpretation of the Board shall prevail.

[Amended 1982, Ord. 2091; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696] *[22.01.041e]*

# ARTICLE 2

## Allowable Land Uses and Permit Requirements

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## **CHAPTER 22.04 - GENERAL DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS**

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### **Sections:**

22.04.010 - Purpose of Chapter

22.04.020 - Applicability of Land Use Categories and Combining Designations

22.04.030 - General Requirements for Development and New Land Uses

22.04.040 - Requirements for Sites Divided by Land Use Category Boundary

22.04.050 - Additional Permits or Approvals May Be Required

### **22.04.010 - Purpose of Chapter**

This Chapter provides general requirements for the approval of proposed development and new land uses. Land use permit requirements for specific land uses are in Article 4 (Standards for Specific Land Uses) and Article 9 (Community Planning Standards).

### **22.04.020 - Applicability of Land Use Categories and Combining Designations**

The land use and development regulations of this Title are applied to property based on the land use categories and combining designations established by the Land Use Element of the General Plan. These land use categories and combining designations are incorporated into this Title by Section 22.01.030 (Maps and Text Included by Reference), and are shown in Table 2-1.

### **22.04.030 - General Requirements for Development and New Land Uses**

All uses of land and/or structures shall be established, constructed, reconstructed, altered, or replaced, in compliance with the following requirements.

- A. Allowable use.** The use of land shall be identified by Chapter 22.06 and any applicable provision of Article 9 (Community Planning Standards) as being allowable in the land use category applied to the site. The Director may determine whether a particular land use is allowable, in compliance with Section 22.06.030 (Allowable Land Uses and Permit Requirements).
- B. Permit/approval requirements.** Any land use permit or other approval required by Section 22.06.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 22.06.040 (Exemptions from Land Use Permit Requirements).

**TABLE 2-1  
LAND USE CATEGORIES AND COMBINING DESIGNATIONS**

Map Symbol	Land Use Category Name
<b>Agricultural and Rural Categories</b>	
AG	Agriculture
RL	Rural Lands
<b>Residential Categories</b>	
RR	Residential, Rural
RS	Residential, Suburban
RSF	Residential, Single-Family
RMF	Residential, Multi-Family
<b>Commercial and Industrial Categories</b>	
OP	Office and Professional
CR	Commercial, Retail
CS	Commercial, Service
IND	Industrial
<b>Special Purpose Categories</b>	
OS	Open Space
REC	Recreation
PF	Public Facilities
<b>Combining Designations</b>	
AR	Airport Review Area
EX	Energy and Extractive Resource Area
EX1	Extractive Resource Area
FH	Flood Hazard
GSA	Geologic Study Area
H	Historic Site
LCP	Local Coastal Plan Area
SRA	Sensitive Resource Area
TDCR	Transfer of Development Credit Receiving Site
TDCS	Transfer of Development Credit Sending Site

- C. Development standards.** The use of land and/or structure shall comply with all applicable requirements of this Title, including the provisions of Article 3 (Site Planning and General Development Standards), and Article 9 (Community Planning Standards).
- D. Conditions of approval.** The use of land and/or structure shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.
- E. Legal parcel.** The use of land and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act and Title 21 of this Code (Subdivisions), as applicable at the time the parcel was created.

**22.04.040 - Requirements for Sites Divided by a Land Use Category Boundary**

Where a site is divided by one or more land use category boundaries, the site shall be developed in compliance with the requirements of each district, as applicable. For example, if a site is designated both commercial and residential, the portion of the site designated commercial shall be developed in compliance with the regulations of this Title applicable to commercial uses, and the portion designated residential shall be developed in compliance with the requirements of this Title applicable to residential uses.

**22.04.050 - Additional Permits and Approvals May be Required**

An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain County permits or approvals before the use is constructed, or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain any permits or approvals required by:

- A. Other County Code provisions, including: building, grading or other construction permits if they are required by this Title or Title 19, or a business license if required by this Title or Title 6, county health permits, or permits required by the County Public Works Department; or
- B. Any applicable state or federal agency regulations.

All necessary permits shall be obtained before starting work or establishing new uses.

[22.01.031]



## **CHAPTER 22.06 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS BY LAND USE CATEGORY**

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### **Sections:**

22.06.010 - Purpose of Chapter

22.06.020 - Applicability

22.06.030 - Allowable Land Uses and Permit Requirements

22.06.040 - Exemptions from Land Use Permit Requirements

### **22.06.010 - Purpose of Chapter**

This Chapter determines what uses of land may be allowed, and the type of land use permit required to authorize each proposed development and new land use, within the land use categories established by the Land Use Element. (See Section 22.04.020 - Applicability of Land Use Categories and Combining Designations.)

### **22.06.020 - Applicability**

- A. Requirements established by this Chapter.** Each proposed development and new land use shall comply with the permit requirements established by this Chapter, except where a different permit requirement is established by:
1. Chapter 22.14 (Combining Designation Standards) for a specific Combining Designation applicable to a site; or
  2. Article 9 (Community Planning Standards) for a land use and/or site within specific community or area (planning area standards).
- C. Requirements established by Article 9.** Article 9 of this Title may not allow the same land uses in the applicable land use categories as this Chapter, and/or may establish different land use permit requirements for allowable uses. For convenience, the following table notes where Article 9 requirements differ from this Chapter. In the event of any conflict between the requirements of Article 9 and the information in this table, the requirements of Article 9 shall control.

**ALLOWABLE LAND USE AND PERMIT REQUIREMENTS  
ESTABLISHED BY ARTICLE 9**

<b>Planning Area</b>	<b>Applicable Section</b>	<b>Limitations on Uses</b>	<b>Permit Requirements</b>
<b>El Pomar</b>			
Airport Review Area	22.94.020	✓	
Rural Area	22.94.030	✓	
<b>Huasna-Lopez</b>			
Sensitive Resource Area	22.96.030	✓	✓
Rural Lands	22.96.040	✓	
<b>Las Pilitas</b>			
Rural Area	22.98.030	✓	
Pozo Village Area	22.98.040	✓	✓
<b>Nacimiento</b>			
Rural Area	22.102.030	✓	✓
Heritage Ranch	22.102.040	✓	✓
Lake Nacimiento Resort	22.102.050	✓	✓
Oak Shores	22.102.060	✓	✓
South Shore	22.102.070	✓	✓
<b>Salinas River</b>			
Areawide	22.104.020		✓
Combining Designations	22.104.030	✓	✓
Rural Area	22.104.040	✓	✓
Paso Robles Urban Area	22.104.060	✓	✓
San Miguel Urban Area	22.106.070	✓	✓
Santa Margarita Urban Area	22.104.080	✓	✓
Templeton Urban Area	22.104.090	✓	✓

Permit Requirement by Land Use Category

22.06.020

Planning Area	Applicable Section	Limitations on Uses	Permit Requirements
<b>San Luis Bay</b>			
Rural Area	22.106.020	✓	✓
Arroyo Grande Fringe	22.106.030	✓	
Avila Beach Urban Area	22.106.050	✓	✓
Oceano Urban Area	22.106.070	✓	
Pismo Beach Urban Area	22.106.080		✓
<b>San Luis Obispo</b>			
Combining Designations	22.108.030	✓	✓
Rural Area	22.108.040	✓	✓
San Luis Obispo Urban Area	22.108.050	✓	✓
Los Ranchos/Edna Village	22.108.060	✓	✓
<b>Shandon-Carizzo</b>			
Rural Area	22.110.020		
<b>South County</b>			
Rural Area	22.112.040	✓	✓
Callendar-Garrett Village	22.112.050	✓	✓
Los Berros Village	22.112.060	✓	
Nipomo Urban Area	22.112.070	✓	✓
Palo Mesa Village	22.112.080	✓	✓

## 22.06.030 - Allowable Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Title in each land use category, and the land use permit required to establish each use, in compliance with Section 22.04.030 (General Requirements for Development and New Land Uses).

**A. Permit requirements.** Table 2-2 provides for land uses that are:

1. Allowed subject to the approval of the land use permit required by Section 22.08.030 (Project-Based Permit Requirements). These are shown as "A1" uses in the table;
2. Allowed subject to the approval of the land use permit required for the particular use by Article 4 (Standards for Specific Land Uses). These are shown as "A2" uses in the table;
3. Permitted subject to the approval of a Zoning Clearance (Section 22.62.030). These are shown as "P" uses in the table;
4. Permitted subject to the Site Plan Review approval (Section 22.62.040). These are shown as "SP" uses in the table;
5. Allowed subject to the approval of a Minor Use Permit (Section 22.62.050). These are shown as "MUP" uses in the table; and
6. Allowed subject to the approval of a Conditional Use Permit (Section 22.62.060). These are shown as "CUP" uses in the table.

**Note:** where the last column ("Specific Use Regulations") in Table 2-2 includes a section number, the regulations in the referenced section apply to the specific use; however, the provisions of Article 3 (Site Planning and General Development Standards) shall also apply.

**B. Multiple uses on a single site.** Where a proposed project includes multiple land uses, and Table 2-2 requires different land use permits for some of the uses, the permit process shall be subject to Section 22.60.030 (Consolidated Processing).

**C. Uses not listed.** A land use that is not listed in Table 2-2 or is not shown in a particular land use category is not allowed, except follows, or as otherwise provided by Section 22.06.040 (Exemptions from Land Use Permit Requirements).

1. Where a proposed land use is not specifically listed in Table 2-2, the Director will review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine whether any of the listed uses is equivalent to that proposed.
2. Upon a written determination by the Director that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what standards affect its establishment.

Permit Requirement by Land Use Category

22.06.030

3. Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Department, and will be considered for incorporation into the this Title through amendment as soon as is practical.
4. At the discretion of the Director, allowable use interpretation requests may be forwarded to the Commission for determination. Determinations by the Director may be appealed to the Commission in compliance with Section 22.70.050.
5. If a proposed use is found by the review authority to not be equivalent to any listed use, the proposed use shall be deemed not allowed.

*[22.01.041.d]*

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

**AGRICULTURE, RESOURCE, AND OPEN SPACE USES**

Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>AGRICULTURE, RESOURCE, AND OPEN SPACE USES</b>								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
Electricity generation - Except WECF			A2	A2	A2		A2	22.32
Electricity generation - Wind energy conversion			MUP	MUP	MUP		MUP	22.32.050
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A2	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
- (7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING USES</b>							
Apparel Products							
Chemical Products Manufacturing							22.30.160
Corrosive, Toxic, Explosive & Gaseous Product							22.30.160
Concrete, Gypsum & Plaster Products	SP(6)	SP(6)					
Electronics, Equipment & Appliances							
Food and Beverage Products	A1(11)	A1(11)					
Furniture & Fixture Products, Cabinet Shops							
Glass Products							
Lumber & Wood Products							
Machinery Manufacturing							
Metal Industries, Fabricated							
Metal Industries, Primary							
Motor Vehicles & Transportation Equipment							
Paper Products							
Paving Materials	SP(6)	SP(6)					
Petroleum Refining & Related Industries							22.32.050
Plastics and Rubber Products							
Printing and Publishing							
Recycling - Collection stations	SP	SP	SP	SP		SP	22.30.390
Recycling - Scrap & dismantling yards	CUP	CUP					22.30.380
Small Scale Manufacturing	MUP	MUP					22.30.550
Stone & Cut Stone Products	SP(6)	SP(6)					
Structural Clay & Pottery-Related Products	SP(6)	SP(6)					
Textile Products							
Warehousing, Wholesaling & Distribution	SP(10)	SP(10)				MUP(7)	22.30.640

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING USES</b>								
Apparel Products			A1	A1				
Chemical Products Manufacturing				A2				22.30.160
Corrosive, Toxic, Explosive & Gaseous Product				CUP				22.30.160
Concrete, Gypsum & Plaster Products			CUP	A1				
Electronics, Equipment & Appliances			A1	A1				
Food and Beverage Products		A1 (8)	A1	A1				
Furniture & Fixture Products, Cabinet Shops			A1	A1				
Glass Products				A1				
Lumber & Wood Products				A1				
Machinery Manufacturing				A1				
Metal Industries, Fabricated			A1	A1				
Metal Industries, Primary				CUP				
Motor Vehicles & Transportation Equipment				CUP				
Paper Products				A1				
Paving Materials				A1				
Petroleum Refining & Related Industries				A2				22.32.050
Plastics and Rubber Products				CUP				
Printing and Publishing		A1 (9)	A1	A1				
Recycling - Collection stations	SP	SP	SP	SP	SP(5)	SP	SP	22.30.390
Recycling - Scrap & dismantling yards			A2	A2			CUP	22.30.380
Small Scale Manufacturing		A1	A1	A1				22.30.550
Stone & Cut Stone Products			A1	A1				
Structural Clay & Pottery-Related Products				A1				
Textile Products				A1				
Warehousing, Wholesaling & Distribution			A1	A1			A1	22.30.640

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to manufacturing operations for which the raw materials are extracted on-site.
- (7) Allowable use limited to personal storage ("mini-storage"), primarily serving residents in the same land use category.
- (8) Allowable use limited to bakeries, ice cream and candy shops, and other similar uses, where the majority of production is for on-site retail.
- (9) Allowable use limited to "quick printing" services and newspaper publishers.
- (10) Use limited to facilities that support approved agricultural production or processing on the same site.
- (11) Allowable use limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Clubs, Lodges, and Private Meeting Halls	SP(6)						MUP	
Indoor Amusement & Recreation Facilities								22.30.240
Libraries and Museums	MUP	MUP	MUP					22.30.250
Marinas								
Off-Road Vehicle Courses		CUP						
Outdoor Sports and Recreational Facilities								22.30.340
Amusement Parks								22.30.340
Golf Driving Ranges			CUP	CUP	CUP	CUP		22.30.340
Outdoor Athletic Facilities			CUP	CUP	CUP	CUP		22.30.340
Public Parks and Playgrounds			SP	SP	SP	SP		22.30.340
Recreation Equipment Rental - Motorized								22.30.340
Recreation Equipment Rental - Non-motorized								22.30.340
Swim and Racquet Clubs			CUP	CUP	CUP	CUP		22.30.340
Swim and Racquet Clubs with spectator facilities			CUP	CUP	CUP	CUP		22.30.340
Swimming Pools (public or membership)								22.30.340
Public Assembly & Entertainment Facilities								
Religious Facilities	CUP	CUP	CUP	CUP	CUP	CUP		22.30.400
Rural Recreation and Camping								22.30.520
Camping, Incidental, 10 or fewer units	SP	SP						22.30.520
Camping, Incidental, 11 or more units	MUP	MUP						22.30.520
Camping, Organizational		CUP						22.30.520
Dude Ranches	CUP	CUP						22.30.520
Health Resorts and Bathing	CUP(8)	CUP	CUP					22.30.520
Hunting and Fishing Clubs	SP	SP						22.30.520
Sport Shooting Facilities	CUP	CUP						22.30.520
Schools - College & University								
Schools - Elementary & Secondary		CUP	CUP	CUP	CUP	CUP		22.30.540
Schools - Specialized Education & Training	UP	A1	A1	A1				22.30.540
Sports Assembly								
Temporary Events	A2	A2	A2					22.30.610

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MCUP	Conditional use - Minor Use Permit required. (4)	22.62.050
UP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>								
Clubs, Lodges, and Private Meeting Halls	SP	SP	SP	SP		MUP		
Indoor Amusement & Recreation Facilities	A2	A2	A2			A2	MUP	22.30.240
Libraries and Museums	A1	A1				A1	A1	22.30.250
Marinas			CUP			CUP	CUP	
Off-Road Vehicle Courses						CUP		
Outdoor Sports and Recreational Facilities								22.30.340
Amusement Parks			CUP			CUP	CUP	22.30.340
Golf Driving Ranges			CUP			CUP	CUP	22.30.340
Outdoor Athletic Facilities			SP			SP	SP	22.30.340
Public Parks and Playgrounds		SP	SP			SP	SP	22.30.340
Recreation Equipment Rental - Motorized			CUP			CUP		22.30.340
Recreation Equipment Rental - Non-motorized		A1	A1			A1		22.30.340
Swim and Racquet Clubs			SP			SP	SP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP			CUP	CUP	22.30.340
Swimming Pools (public or membership)								22.30.340
Public Assembly & Entertainment Facilities	A1	A1	A1			A1	A1	
Religious Facilities	CUP	A1	A1			CUP		22.30.400
Rural Recreation and Camping								22.30.520
Camping, Incidental, 10 or fewer units						SP	SP	22.30.520
Camping, Incidental, 11 or more units						MUP	MUP	22.30.520
Camping, Organizational						CUP	CUP	22.30.520
Dude Ranches					CUP(5)	CUP	CUP	22.30.520
Health Resorts and Bathing						CUP	CUP	22.30.520
Hunting and Fishing Clubs					SP(5)			22.30.520
Sport Shooting Facilities							CUP	22.30.520
Schools - College & University	A1						A1	
Schools - Elementary & Secondary	CUP(7)					UP	UP	22.30.540
Schools - Specialized Education & Training	A1	A1	A1	A1		A1	A1	22.30.540
Sports Assembly			UP	UP		UP	UP	
Temporary Events	A2	A2	A2	A2		A2	A2	22.30.610

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Use limited to organizations related to agriculture, including grange halls and farm bureaus.
- (7) Allowable use limited to high schools.
- (8) Use may be allowed only where facility is dependent upon a natural on-site resource such as a lake or hot springs.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

**RESIDENTIAL USES**

Caretaker Quarters	P	P	P	P			22.30.030,430
Farm Support Quarters	A2	A2					22.30.480
Home Occupations	P	P	P	P	P	P	22.30.030,230
Mobile Home Parks			CUP(8)(8)	CUP(8)(8)	CUP(8)(8)	CUP(8)(8)	22.30.440
Mobile Homes	P	P	P	P	P	P	22.30.450
Multi-Family Dwellings						A1	22.30.490,500
Nursing & Personal Care				CUP		CUP	22.30.320
Organizational Houses						CUP	22.30.460
Residential Accessory Uses	P(9)	P(9)	P(9)	P(9)	P(9)	P(9)	22.30.030,410
Residential Care - 6 or fewer boarders	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	22.30.420
Residential Care - 7 or more boarders	CUP	CUP	CUP	CUP	CUP	CUP	22.30.420
Secondary Dwellings			P(7)	P(7)	P(7)		22.30.470
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Temporary Construction Trailer Parks	CUP(8)(8)	CUP(8)(8)	CUP(8)(8)				22.30.590
Temporary Dwellings	P	P	P	P	P	P	22.30.600

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>RESIDENTIAL USES</b>								
Caretaker Quarters	P	P	P	P	SP(5)	P	P	22.30.030,430
Farm Support Quarters								22.30.480
Home Occupations	P	P	P	P		P	P	22.30.030,230
Mobile Home Parks						CUP(8)(8)		22.30.440
Mobile Homes						P	P	22.30.450
Multi-Family Dwellings	A2	A2				A2		22.30.490,500
Nursing & Personal Care	A1	CUP					A1	22.30.320
Organizational Houses	CUP	CUP						22.30.460
Residential Accessory Uses	P(9)	P(9)	P(9)	P(9)	SP(5)(9)	P(9)	P(9)	22.30.030,410
Residential Care - 6 or fewer boarders							P(6)	22.30.420
Residential Care - 7 or more boarders	CUP						A1	22.30.420
Secondary Dwellings								22.30.470
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Temporary Construction Trailer Parks					CUP(8)(8)			22.30.590
Temporary Dwellings	P	P	P	P		P	P	22.30.600

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) No land use permit required for Residential Care facilities with 6 or fewer clients.
- (7) Minor Use Permit required for secondary dwellings in the Arroyo Grande Fringe and in the Templeton Urban Area.
- (8) Use also requires authorization from the California Department of Housing and Community Development.
- (9) Residential antennas may have different permit requirements. See Section 22.30.410.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
<b>RETAIL TRADE USES</b>							
Auto, Mobile Home & Vehicle Dealers - Indoor							22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor							22.30.330
Automobile Service Stations/Gas Stations							22.30.130
Building Materials and Hardware with retail "ready-mix" concrete sales							22.30.140
Convenience & Liquor Stores							22.30.570
Farm Equipment & Supplies Sales	A2	A2	A2				22.30.210
Fuel Dealers							22.30.220
Furniture, Home Furnishings & Equipment							
General Retail							
Grocery Stores			CUP	CUP	CUP	CUP	22.30.570
Mail Order & Vending							
Outdoor Retail Sales	A2	A2	A2				22.30.330
Restaurants	CUP		CUP	CUP		CUP	22.30.570
Roadside Stands - Permanent	SP	SP	SP(6)				22.30.510
Roadside Stands - Temporary	P	P	SP	SP			22.30.510
Sales Lots							22.30.530
Swap Meets							22.30.530

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>RETAIL TRADE USES</b>								
Auto, Mobile Home & Vehicle Dealers - Indoor		A1	A1	A1				22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor		MUP(5)	MUP	MUP				22.30.330
Automobile Service Stations/Gas Stations		MUP	SP	SP		MUP		22.30.130
Building Materials and Hardware		A1	A1	A1				22.30.140
with retail "ready-mix" concrete sales			CUP	A1				22.30.140
Convenience & Liquor Stores	MUP	A1	A1	SP		CUP		22.30.570
Farm Equipment & Supplies Sales			A1	A1				22.30.210
Fuel Dealers			A1	A1				22.30.220
Furniture, Home Furnishings & Equipment		A1	A1					
General Retail		A1	A1			CUP		
Grocery Stores	MUP	A1	A1	SP		CUP		22.30.570
Mail Order & Vending		A1	A1	A1				
Outdoor Retail Sales	A2	A2	A2	A2		A2	A2	22.30.330
Restaurants	MUP	A1	A1	MUP		CUP		22.30.570
Roadside Stands - Permanent						SP(6)		22.30.510
Roadside Stands - Temporary						SP(6)		22.30.510
Sales Lots			A2	A2				22.30.530
Swap Meets			MUP	MUP				22.30.530

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use not allowed within a central business district.
- (6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.510.B.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	
<b>SERVICES</b>							
Auto & Vehicle Repair & Service							22.30.120
Banks & Financial Services							
Business Support Services							
Car wash - Full Service							
Car wash - Self-Service							
Cemeteries and Columbariums			CUP	CUP			22.30.150
Child Day Care - Family Day Care Homes		A2	A2	A2	A2	A2	22.30.170
Child Day Care Centers		CUP	CUP	CUP	CUP	CUP	22.30.170
Construction Contractors							
Consumer Product Repair Services							22.30.190
Correctional Institutions		CUP					
Health Care Services							
Laundries & Dry Cleaning Plants							
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P	P		P	22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP	MUP		MUP	22.30.260
Lodging - Homestays				P	P		22.30.270
Lodging - Hotels & Motels, 39 or fewer units							22.30.280
Lodging - Hotels & Motels, 40 or more units							22.30.280
Lodging - Hotels & Motels, condominium							22.30.290
Lodging - Recreational Vehicle Parks							22.30.300
Offices							
Offices - Temporary during construction	P	P	P	P	P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP	MUP	MUP	22.30.600
Personal Services					CUP	CUP	22.30.350
Public Safety Facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Social Service Organizations							
Storage - Accessory	A1	A2	A2	A2	A2	A2	22.30.040
Storage - Outdoor Storage Yards							22.30.560
Temporary Construction Yards (Off-Site)	MUP	MUP	MUP	MUP	MUP	MUP	22.30.620
Waste Disposal Sites	CUP	CUP					

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
<b>SERVICES</b>								
Auto & Vehicle Repair & Service			A1	A1				22.30.120
Banks & Financial Services	A1	A1				SP		
Business Support Services			A1	A1				
Car wash - Full Service			A1	A1				22.30.120
Car wash - Self-Service			A2	A2				22.30.120
Cemeteries and Columbariums							CUP	22.30.150
Child Day Care - Family Day Care Homes	A2					A2		22.30.170
Child Day Care Centers	CUP					CUP		22.30.170
Construction Contractors			A1	A1				
Consumer Product Repair Services		A1	A1	A1				22.30.190
Correctional Institutions							CUP	
Health Care Services	A1	A1				MUP	A1	
Laundries & Dry Cleaning Plants			A1	A1				
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P			P		22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP			MUP		22.30.260
Lodging - Homestays								22.30.270
Lodging - Hotels & Motels, 39 or fewer units	MUP	MUP	MUP			CUP	MUP(6)	22.30.280
Lodging - Hotels & Motels, 40 or more units	CUP	CUP	CUP			CUP	UP(6)(6)	22.30.280
Lodging - Hotels & Motels, condominium	CUP	CUP	CUP			CUP		22.30.290
Lodging - Recreational Vehicle Parks		CUP(8)(8)	CUP(8)(8)			CUP(8)(8)		22.30.300
Offices	A1	A1	A1	A1			A1	
Offices - Temporary during construction	P	P	P	P		P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP		CUP	CUP	22.30.600
Personal Services	A1	A1	A1			MUP		22.30.350
Public Safety Facilities	MUP	MUP	MUP	MUP	SP(5)	MUP	MUP	
Social Service Organizations	A1	A1	A1	MUP			MUP	
Storage - Accessory	A2	A2	A2	A2	SP(5)	A2	A2	22.30.040
Storage - Outdoor Storage Yards			A1	A1		A1(7)	A1	22.30.560
Temporary Construction Yards (Off-Site)		SP	SP	SP		MUP	MUP	22.30.620
Waste Disposal Sites				CUP			CUP	

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to sites with public airport or port facilities
- (7) Allowable use limited to storage yards for recreational vehicles and boats.
- (8) Use also requires authorization from the California Department of Housing and Community Development.

See KEY TO PERMIT REQUIREMENTS on previous page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG	RL	RR	RS	RSF	RMF	

**TRANSPORTATION, COMMUNICATIONS & UTILITIES**

Airfields & Heliports	CUP	CUP	CUP				22.30.080
Broadcasting Studios							
Communications Facilities	CUP	CUP	CUP				22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.370
Transit Stations & Terminals							
Truck Stops							
Vehicle & Freight Terminals							
Vehicle Storage							22.30.630

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.06.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	

**TRANSPORTATION, COMMUNICATIONS & UTILITIES**

Airfields & Heliports	CUP(6)(6)		CUP(6)(6)	CUP	SP(5)	CUP	CUP	22.30.080
Broadcasting Studios	A1	A1	A1	A1			A1	
Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	SP(5)	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	A1	A1	SP(5)	CUP	CUP	22.30.370
Transit Stations & Terminals	SP	SP	SP	A1		SP	A1	
Truck Stops			A1	A1				
Vehicle & Freight Terminals			A1	A1				
Vehicle Storage	SP	SP	A1	A1		SP	A1	22.30.630

**NOTES (The following notes apply only to these two facing pages)**

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to heliports.

See *KEY TO PERMIT REQUIREMENTS* on previous page.

## 22.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Title do not apply to the activities, uses of land and/or structures identified by this Section. However, nothing in this Section shall be construed as exempting construction activities from the necessity of obtaining grading, building, and/or other construction permits prior to starting any work.

- A. County projects.** Public works projects constructed by the county or its contractors;
- B. Repairs.** Ordinary repairs to buildings, provided that such repairs shall not include any change in the approved land use of the site or building, or increase in the total floor area of the building; or
- C. Walls and fences:**
  - 1. Walls or fences of 6'-6" or less in height, located in compliance with Section 22.10.080 (Fencing and Screening); or
  - 2. Open wire fences of any height in the Agriculture and Rural Lands land use categories; or
- D. Minor construction.** The erection, construction, enlargement, removal or conversion of any building or structure, where:
  - 1. The total valuation of work does not exceed \$1,500 as determined by the county fee ordinance, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title; or
  - 2. A one time expansion of the structure does not exceed 10 percent of the total floor area, and both the building or structure and the proposed expansion or modification are in conformity with all applicable provisions of this Title.
- E. Agricultural uses:**
  - 1. **Agricultural accessory buildings.** Structures designed and built to store farming implements, hay, grain, poultry, livestock, or horticultural products (not including commercial greenhouses or buildings associated with agricultural processing activities (Section 22.30.060)), in which there is no human habitation and which is not used by the public, are not required to have a land use permit unless the structure meets one or more of the following criteria:
    - a. The structure is proposed in an area designated other than Agriculture or Rural Lands by the Land Use Element; or
    - b. Is located within an airport review or flood hazard area combining designation; or
    - c. Is located on a site of less than 20 acres; or

Permit Requirement by Land Use Category

22.06.040

- d. Is located within 100 feet of any adjacent property or public road; or
- e. Has a gross floor area exceeding 5,000 square feet or contains more than a single story plus storage loft; or
- f. No existing or apparent agricultural use on the property.

An agricultural accessory building that satisfies any of the above criteria shall require a Zoning Clearance. An agricultural accessory building that is not required to have a land use permit is still subject to the standards of Section 22.30.060 B., C. and D. (Agricultural Accessory Buildings) and any other applicable provisions of this Title.

- 2. **Crop production and grazing.** No land use permit is required for crop production. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

[22.01.031]



## **CHAPTER 22.08 - PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS**

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### **Sections:**

22.08.010 - Purpose of Chapter

22.08.020 - Applicability

22.08.030 - Project-Based Permit Requirements

### **22.08.010 - Purpose of Chapter**

This Chapter establishes land use permit requirements for proposed development and new land uses based on characteristics of the use or project that may create environmental impacts and/or need particular attention in project design to ensure compatibility with adjacent land uses. [22.03.010]

### **22.08.020 - Applicability**

The permit requirements of this Chapter apply to development and new land uses identified by Chapter 22.06 (Allowable Land Uses and Permit Requirements by Land Use Category) or Chapter 22.30 (Standards for Specific Land Uses) as being subject to the permit requirements of this Chapter.

### **22.08.030 - Project-Based Permit Requirements**

Table 2-3 determines the type of land use permit required to authorize proposed development or a new land use, based on project characteristics.

- A. To determine what land use permit is required to establish an allowable use, a proposed project must be compared with *each* land use and development characteristic listed in the left column of Table 2-3.
- B. When a project involves more than one use listed in the left column of the table, or both a listed land use *and* a listed development characteristic, the most restrictive permit requirement shall apply. (Example: if a commercial building (included under "Retail Trade, Services and all other non-residential use groups") is proposed with 2,300 square feet of floor area, and will include a proposed paved area ("Impervious Surface") greater than one acre, a Minor Use Permit is required even though the floor area of the building itself would otherwise require a Zoning Clearance).
- C. The permit requirement criteria shall be applied to the entire project site, regardless of intervening lot lines.

[22.03.040]

**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 dwellings per site (2)	4 or fewer	5 to 15	16 to 24	25 or more
Manufacturing & Processing, Outdoor Storage (3)	Gross floor area or outdoor use area	Less than 10,000 sf, or change in "A1" uses (5)	10,000 sf to 19,999 sf	20,000 sf to 39,999 sf	40,000 sf or more
Retail Trade, Services, and all other non-residential use groups (4)	Gross floor area or outdoor use area	Less than 2,500 sf, or change in "A1" uses (5)	2,500 sf to 9,999 sf	10,000 sf to 19,999 sf	20,000 sf or more
	and traffic circulation	with no drive-in or drive-through	and/or drive-in or drive-through	and/or drive-in or drive-through	
Site Disturbance	Area per site of grading requiring a permit, or removal of native vegetation	Less than 1 acre (6)	N.A. (6)	1 to 3 acres	More than 3 acres
Impervious Surface	Area per site of site coverage by paving and structures	Less than 1 acre (6)	N.A. (6)	1 to 3 acres	More than 3 acres

**Notes:**

- (1) All criteria are cumulative for a single site (e.g. a proposed 3-unit expansion of an existing 39 unit apartment requires Conditional Use Permit approval).
- (2) Or number of dwellings proposed to be constructed by a single developer, in a single subdivision that was recorded before March 19, 1962.
- (3) Includes all uses listed under the Manufacturing & Processing land use group by Table 2-2, and the specific use identified by Table 2-2 as Storage Yards and Sales Lots.
- (4) Includes all uses listed under the Retail Trade, Services, and all other land use groups by Table 2-2, except Residential, Manufacturing & Processing, and Outdoor Storage.
- (5) When an allowed use (an "A1" use in Table 2-2) in an existing building is to be replaced with another allowed use that is required by Chapter 22.18 to have equal or less parking than the use being replaced, approval of a Zoning Clearance is required regardless of what permit was necessary for the original building, provided the building satisfies all applicable provisions of Chapter 22.72 (Nonconforming Buildings, Structures, Parcels, and Signs).
- (6) A grading permit, drainage plan review or erosion and sedimentation plan review may be required by Chapter 22.52 (Grading and Drainage); and/or construction permits may be required by the Building and Construction Ordinance, Title 19 of this Code.

[Amended 1992, Ord. 2553; 1995, Ord. 2714] [Table 3-A]

## ARTICLE 3

# Site Planning and Project Design Standards

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<b>Chapter 22.10 - General Property Development and Operating Standards</b> .....	3-5
22.10.010 - Purpose of Chapter .....	3-5
22.10.020 - Applicability .....	3-5
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## **CHAPTER 22.10 - GENERAL PROPERTY DEVELOPMENT AND OPERATING STANDARDS**

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### **Sections:**

- 22.10.010 - Purpose of Chapter
- 22.10.020 - Applicability
- 22.10.030 - Air Quality
- 22.10.040 - Archeological Resources
- 22.10.050 - Explosives Storage
- 22.10.060 - Exterior Lighting
- 22.10.070 - Flammable and Combustible Liquids Storage
- 22.10.080 - Fencing and Screening
- 22.10.090 - Height Measurement and Height Limit Exceptions
- 22.10.100 - Lot Consolidation
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- 22.10.120 - Noise
- 22.10.130 - Residential Density
- 22.10.140 - Setbacks
- 22.10.150 - Solid Waste Collection and Disposal
- 22.10.160 - Underground Utilities
- 22.10.170 - Vibration
- 22.10.180 - Water Quality

### **22.10.010 - Purpose of Chapter**

- A. The provisions of this Chapter address the details of site planning, project design, and the ongoing conduct/operation of land uses. These standards are intended to ensure that all development produces an environment of stable and desirable character, and is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. *[22.04.010]*
- B. The operational standards of this Chapter are established to protect residents from the adverse effects of excessive or objectionable emissions of noise or air contaminants that may be generated by land uses, activities, processes or equipment. *[22.06.010]*

### **22.10.020 - Applicability**

- A. The standards of this Chapter apply to all new land uses required to have a land use permit in compliance with this Title, except:
  - 1. Where the standards of Chapters 22.14 (Combining Designation Standards), or Article 4 (Standards for Specific Land Uses) conflict with the provisions of this Chapter, the provisions of Chapters 22.14 and Article 4 prevail;

2. Where planning area standards Article 9 (Community Planning Standards) conflict with the standards of this Chapter, the planning area standards prevail.
- B. A use existing on the effective date of this Title, or on the date of a subsequent amendment to this Title that applies more restrictive operational standards to the use, shall not be required to change their operations to comply with the provisions of Sections 22.10.030 (Air Quality), 22.10.050 (Explosives Storage), 22.10.070 (Flammable and Combustible Liquids Storage), 22.10.120 (Noise), 22.10.170 (Vibration), and 22.10.180 (Water Quality), unless a modification of the use is proposed that requires a permit. However, in no case shall existing operations be changed to result in a greater degree of noncompliance with these standards than existed on the effective date of this Title or amendment.

Nothing in this Chapter shall preclude the initiation of revocation, abatement or legal action against an existing use operated in violation of Sections 22.10.120 (Noise) or 22.10.170 (Vibration) or operated in manner that creates a public nuisance.

[Amended 1994, Ord. 2696] [22.04.012, 22.06.020]

## 22.10.030 - Air Quality

### A. Air Pollution Control District (APCD) Review

1. **Purpose.** This Subsection establishes a procedure for the notification of the County APCD when a new land use is proposed to include equipment or activities that involve combustion, or the storage or use of hydrocarbons or other air contaminants.
2. **Applicability.** These provisions apply to any project for which a discretionary land use permit is required by this Title, except business licenses consistent with the most current guidelines of the Air Pollution Control District.
3. **Review procedure.** A copy of any application shall be forwarded to the Air Pollution Control District for review upon receipt by the Department. This referral is intended to enable the APCD to:
  - a. Determine if the use proposed is required by the rules and regulations of the APCD to obtain an authority to construct or permit to operate;
  - b. Determine if the proposed project exceeds the district's significance thresholds for significant air quality impacts from land use projects, and if mitigations are required.
  - c. Contact and advise the applicant on applicable permit and air quality requirements, and to advise the Department of any APCD permit requirements.
    - (1) In the case of a Zoning Clearance application, within 10 business days of application transmittal;
    - (2) In the case of Minor Use Permit or Conditional Use Permit applications, notification of permit requirements, or special concerns or recommendations to be forwarded to the Review Authority shall be returned to the Department no later than 10 days before the public hearing on the application.
4. **Building Permit issuance.** When the APCD has notified the Department that authority to construct is required, the applicant is to provide the Department with evidence of approval of an authority to construct prior to issuance of a building permit. In the event that the APCD has not notified the Department of APCD permit requirements within 10 business days of application transmittal, the lack of notification shall not cause additional delay in permit issuance by the Department; however, permit issuance under such circumstances shall not exempt any person from the necessity of obtaining APCD permits if required.
5. **Certificate of Occupancy.** In cases where an APCD permit to operate is required, no certificate of occupancy shall be issued until the applicant has provided the Department with evidence of permit approval.

- B. Odors.** Any non-agricultural land use conducted in, or within one-half mile of an urban or village reserve line shall be operated so as not to emit matter causing noxious odors which are perceptible at the points of determination identified in the following table.

Land Use Category where Odor-Producing Use is Located	Point of Determination
Residential, Office and Professional, Recreation, Commercial	At or beyond any lot line of the lot containing the use.
Industrial	At or beyond the boundary of the Industrial category.

[Amended 1992, Ord. 2553; 1995, Ord. 2741] [22.06.082, 22.06.084]

### **22.10.040 - Archeological Resources**

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

*[22.05.140]*

### 22.10.050 - Explosives Storage

The storage of explosives is allowed only for the purpose of sales by a licensed vendor, or where the explosives will be used on the same site as the storage facility, as provided in this Section.

- A. Applicability.** The standards of this Section apply in addition to all applicable state and federal standards, including any regulations administered by the County Health Department, Fire Department, Sheriff's Office, Agricultural Commissioner, and Air Pollution Control District. If any standards of this Chapter conflict with regulations administered by other federal, state, or county agencies, the most restrictive standards apply.
- B. Permit requirement.** Conditional Use Permit approval within an urban or village reserve line; Minor Use Permit approval in rural areas. Separate land use permit approval is not required where the principal use of the site has been authorized through Conditional Use Permit approval, or in the case of a surface mining operation, where the operation has been authorized by an approved reclamation plan. This permit requirement is in addition to the permit required by the County Sheriff.
- C. Location.** Explosives storage is allowed only in the Agriculture, Rural Lands or Industrial land use category, or areas included within an Energy and Extractive Resource (EX) combining designation. A land use permit application that proposes explosives storage may be approved only where the Review Authority finds the proposed site is within an area that is open in character and essentially free of development.
- D. Setbacks.** Explosives storage shall not be located closer than 1,000 feet from any property line, except that storage in Class II magazines, as authorized in State law, shall not be located closer than 400 feet from any property line; provided that where the current edition of the Uniform Fire Code adopted by the County would require a greater setback than required by this Section, the greater setback shall apply.
- E. Construction and buffering.** Explosives storage shall be effectively screened by a natural landform or artificial barricade either surrounding the entire site or surrounding each storage magazine. Storage magazines shall be designed and constructed in compliance with the current edition of the Uniform Fire Code adopted by the County, and any applicable requirements of the County Sheriff. The landform or barricade shall be of such height that.
1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through the landform or barricade; and
  2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a public street will pass through said landform or barricade.

Artificial barricades shall be a mound or rivetted wall of earth with a minimum thickness of three feet.

- F. Time limit.** Land use permit approval for storage of explosives may be granted for a maximum of five years, provided that the land use permit shall be subject to review by the Review

Authority at any time. If, through such review, the Review Authority finds that circumstances or conditions have changed so the use no longer meets the requirements of this Section or the conditions of the land use permit, the permit may be revised or revoked, whichever is more appropriate.

[Amended 1982, Ord. 2091; 1992 Ord. 2553] *[22.06.124]*

### 22.10.060 - Exterior Lighting

The standards of this Section are applicable to all outdoor night-lighting sources installed after the effective date of this Title, except for street lights located within public rights-of-way and all uses established in the Agriculture land use category. No land use permit is required for lighting facilities, though an electrical permit may be required by Title 19 of this Code (the Building and Construction Ordinance).

- A. Illumination only.** Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display, except as provided by Chapter 22.20 (Signs).
- B. Light directed onto lot.** Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.
- C. Minimization of light intensity.** No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.
- D. Light sources to be shielded.**
  - 1. Ground illuminating lights.** Any light source used for ground area illumination except incandescent lamps of 150 watts or less and light produced directly by the combustion of natural gas or other fuels, shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding shall extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture.
  - 2. Elevated feature illumination.** Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source shall be shielded so as not to be directly visible from off-site.
- E. Height of light fixtures.** Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.
- F. Street lighting.** Street lighting shall be designed to minimize light pollution by preventing the light from going beyond the horizontal plane at which the fixture is directed.

[Amended 1999, Ord. 2880] [22.04.320]

## 22.10.070 - Flammable and Combustible Liquids Storage

The storage of flammable or combustible liquids (those with flash points below 140°F) is subject to the following standards.

- A. Applicability.** The standards of this Section apply in addition to all applicable state and federal standards, including any regulations administered by the County Health Department, Fire Department, Sheriff's Office, Agricultural Commissioner, and Air Pollution Control District. If any standards of this Chapter conflict with regulations administered by other federal, state, or county agencies, the most restrictive standards apply.
- B. Permit requirements.**
1. **Health Department permit.** A permit for the underground storage of hazardous substances, including but not limited to gasoline and diesel fuel, shall be obtained as set forth in Chapter 8.14 of this Code.
  2. **Land use permit.** No land use permit is required for the storage of flammable or combustible liquids, except that where the quantity stored exceeds the limitations specified in Subsection D, Minor Use Permit approval is required unless the land use involving the storage of flammable or combustible liquids would otherwise be required by this Title to have Conditional Use Permit approval.
- C. Limitation on use.** The storage of flammable or combustible liquids for sale is allowed only in the Recreation, Commercial or Industrial categories, unless authorized by Conditional Use Permit approval.
- D. Limitations on quantity.** The quantity of flammable or combustible liquids stored on a site shall be limited as follows.
1. **Residential areas.** Five gallons, unless authorized through Conditional Use Permit approval. Excluded from this requirement are the storage of flammable liquids.
    - a. In the fuel tanks of self-propelled vehicles, mobile power or heat generators or any other equipment that is accessory to the principal use of the site;
    - b. For domestic space heating, cooking or similar purposes, provided that such storage containers and appliances shall satisfy all applicable county and state construction and safety regulations;
    - c. The storage or use of paints, oils, varnishes or similar flammable or combustible mixtures when such liquids are stored for maintenance, painting or similar purposes.

2. **Other areas.** Storage shall be limited to the following quantities on any single building site, unless greater quantities are authorized through Conditional Use Permit or Minor Use Permit approval.

Maximum Quantity Allowed Based on Type of Storage		
Type of Liquid	Aboveground	Underground
Combustible	20,000 gallons	No limitation
Flammable	2,000 gallons	20,000 gallons

- E. **Setbacks.** Aboveground storage facilities for flammable or combustible liquids shall be set back 50 feet from any property line or residential use, or as otherwise required by the Uniform Fire Code or Uniform Building Code where a smaller setback is allowed by those codes.

F. **Additional standards.**

1. All storage of bulk flammable liquids within an urban or village reserve line shall be underground, except:
  - a. As specified by Subsection D.1;
  - b. Where a petroleum refining or related industrial use is authorized in an Industrial category through Conditional Use Permit approval;
  - c. Where an automobile service station or other approved vendor of flammable liquids stores such liquids for sale in approved quantities and containers.
  - d. Where an approved use stores such liquids for sale in approved quantities and containers accessory to that approved use
  - e. Where a public agency maintains a corporation yard or other approved service facility in a Public Facilities or Industrial land use category, and such storage is authorized through Minor Use Permit.
  - f. In a Commercial Service or Industrial land use category where authorized through Minor Use Permit.
2. All aboveground storage of flammable and combustible liquids shall be within types of containers approved by the county fire chief.

[Amended 1984, Ord. 2163; 1986, Ord 2250; 1987, Ord. 2293; 1992, Ord. 2553; 1999, Ord. 2880]

[22.06.126]

## 22.10.080 - Fencing and Screening

Standards for fencing and screening are established by this Section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. Fencing is the enclosure of an area by the materials identified in Subsection C. Screening is the enclosure of an area by a visual barrier, which may include solid fencing, or other materials as specified in Subsection E.

- A. Fencing and screening - where required.** Within urban and village reserve lines (except in Agriculture categories), and Commercial Retail and Recreation land use categories in rural areas, fencing and/or screening shall be provided as required by this Section. Unless otherwise specified, fencing and screening shall be a minimum height of six feet.
1. **Mechanical equipment.** When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:
    - a. **Roof-mounted equipment.** To be screened by architectural features from the view of abutting streets.
    - b. **Equipment at grade.** When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
  2. **Multiple-family projects.** Multi-family residential projects shall be screened on all interior property lines. [Added 1982, Ord. 2091]
  3. **Outdoor storage.** To be screened on all sides by a solid wall or fencing.
  4. **Side and rear lot lines.** The side and rear property lines of all non-residential uses shall be screened as follows:
    - a. **Adjacent to a residential use or category.** A solid wall or fencing shall be located on side and rear property lines of any non-residential or non-agricultural use abutting a residential use or land use category, except for parks, golf course greens and fairways.
    - b. **Industrial and Commercial Service categories.** A solid wall or fencing shall be located on the side and rear property lines of any site within an Industrial or Commercial Service category that abuts another land use category.
  5. **Swimming pools.** Yard areas with private swimming pools shall be fenced in compliance with the Uniform Building Code.

**B. Exceptions to fencing and screening requirements.**

1. **Buildings abutting property lines.** Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
2. **Location adjustment.** Where property line fencing or screening is required, the location may be adjusted (see Section 22.70.030) so the fencing may be constructed at or within the setback line, provided the areas between the fence and the property lines are landscaped, or in rural areas, retained in their natural vegetative state.
3. **Conditions of approval.** Where a greater height is required by any other provision of this Title or by a condition of approval, the requirements of this Section shall not apply. [Added 1994, Ord. 2696]
4. **Modification of fencing and screening requirements.** Any of the requirements of this Section may be waived or modified through Minor Use Permit approval, provided the Director first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

**C. Standards for fencing and screening materials.** All fencing and screening shall comply with the following material and height limitations based on the location of the fence:

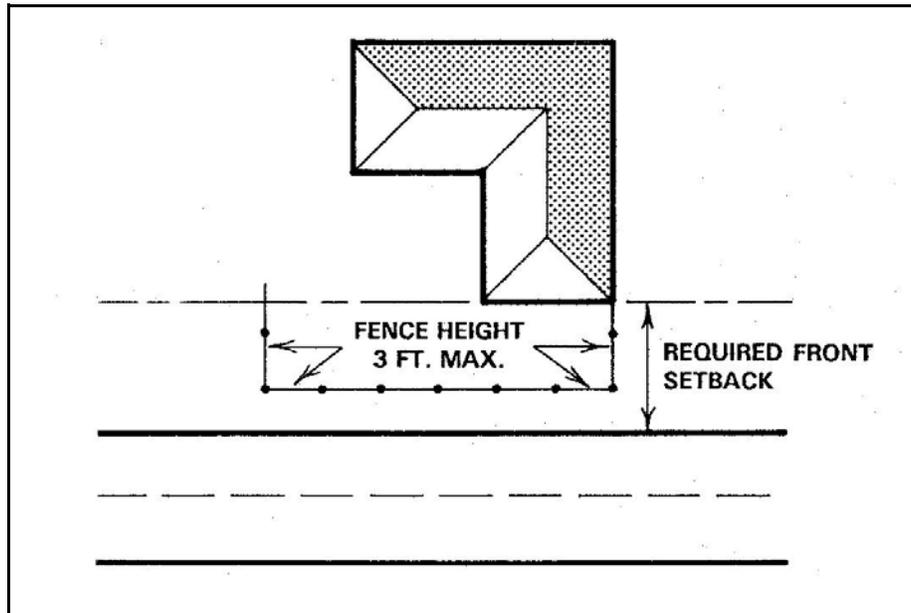
Location of fence or wall	Land use category where standards apply	Maximum Height of fence or wall	Allowable screening materials	Land use permit required
Outside of Setbacks	All	6 feet 6 inches (height limit does not apply to plants)	Solid structures or plants (1)	None
	All	12 feet (height limit does not apply to plants)	Open structures or plants (2)	None
	All	12 feet (height limit does not apply to plants)	Solid structures or plants	Zoning Clearance (3)
Within front setback	All	3 feet	Solid structures or plants	None
	AG, RL, RR, RS	6 feet 6 inches	Open structures or plants	None
	RSF, RMF	6 feet 6 inches	Solid structures or plants	Minor Use Permit (4)

Location of fence or wall	Land use category where standards apply	Maximum Height of fence or wall	Allowable screening materials	Land use permit required
Within street side setback	All	3 feet	Solid structures or plants	None
	All	6 feet 6 inches	Open structures or plants	None
	All	6 feet 6 inches	Solid structures or plants	Minor Use Permit (4)
On side or rear property lines OR Within interior side or rear setbacks	All	6 feet 6 inches (5)	Solid structures or plants or Open structures or plants	None
	CR, CS, IND	12 feet (6)	Solid structures or plants or Open structures or plants	Zoning Clearance <sup>3</sup>

**Notes:**

- (1) Solid wood or masonry materials, or plant materials that comply with Subsection E., or other solid materials approved by the Department.
- (2) Open wire or chain link or other materials approved by the Department that permit the passage of a minimum of 90 percent of light.
- (3) Must be authorized by a building permit and constructed consistent with the requirements of the Uniform Building Code.
- (4) To approve a Minor Use Permit, the Review Authority shall first find that the proposed fencing or screening:
  - a. Is necessary to enclose private open space for a dwelling because alternative areas such as rear or side yards do not exist or are unsuitable for such use; and
  - b. Will not block visibility of the front entrance to the dwelling from the street; and
  - c. Will not impair safe sight distances for vehicle traffic; and
  - d. Will not exceed 6' - 6" in height.
- (5) The 6 foot 6 inch height limitation does not apply to vegetation growing on an interior side or rear property line or within an interior side or rear setback.
- (6) Fences up to 12 feet in height may only be constructed on a property line where a building may be constructed on a property line.

**D. Gateposts.** Gateposts and other superstructures over site entrances and exits may be up to 14 feet 6 inches in height as measured from the surface of the ground to the bottom of the structure, but in no case shall the top of the structure be more than two feet above that height; provided that any gateposts or superstructures above six feet six inches in height shall not block visibility of the front entrance to the dwelling from the street or adjacent properties and will not impair safe sight distances for vehicle traffic and are authorized by a building permit and constructed consistent with the requirements of the Uniform Building Code.



**Figure 10-1 - Fence Height Example**

**E. Screening materials substitution.** Where screening is required by this Title to be a solid fence or wall, the following materials may be substituted through adjustment (Section 22.70.030), except a solid fence or wall must be used where screening is required adjacent to a residential use or category.

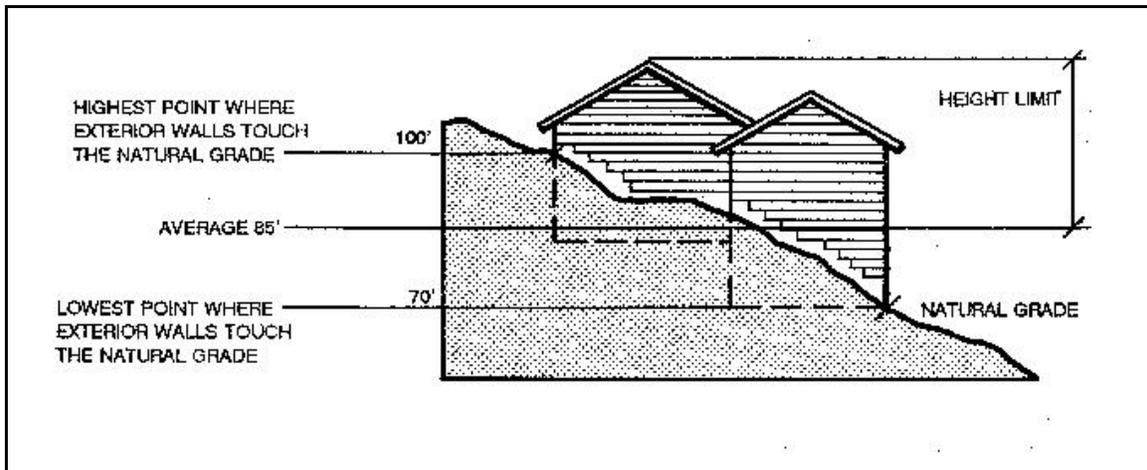
1. **Landscape screen.** Screening plant materials may be substituted for a wall or fence, where:
  - a. Proposed plant materials are certified in writing by a registered landscape architect, certified nurseryman or licensed landscape contractor as having the capability of achieving 60 percent of total view blockage within 18 months of installation, and 100 percent of total view blockage within 36 months of installation; and
  - b. The applicant agrees in writing to install solid fencing after the expiration of 36 months, and posts a performance bond or other appropriate security approved by the County for one hundred percent of the estimated cost to install solid fencing, in the event that the planting has not totally blocked the view of areas required to be screened.
2. **Berms.** A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is not less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of 3:1, with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two feet in width at the highest point of the berm, extending the length of the berm.

- 3. Slatted chain-link fencing.** Chain-link fencing with slats and landscaping may be substituted for a solid wall or fence in an Industrial category, except where screening or fencing is required adjacent to another land use category.

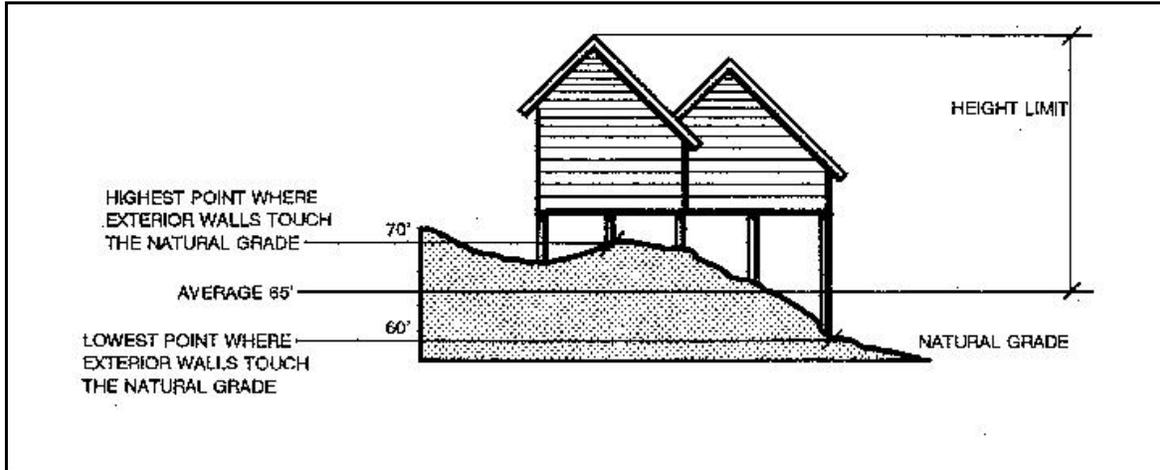
[Amended 1986, Ord. 2250; 1987, Ord. 2314; 1989, Ord. 2409; 1992, Ord. 2553; 1994, Ord. 2696; 1994, Ord. 2696; 1999, Ord. 2880] *[22.04.190]*

**22.10.090 - Height Measurement and Height Limit Exceptions**

- A. Purpose.** This Section limits the height of structures as needed to: support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.
- B. Measurement of height.** The height of a building or structure shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site; except that finished grade instead of natural grade shall be the basis for height measurement where:
  - 1. A site is graded or filled in compliance with approved subdivision improvement plans, or a grading permit that was approved to authorize.
    - a. Grading or fill to conform the elevation of the building site with that of adjoining developed sites; or
    - b. Fill to mitigate flood hazards in compliance with the provisions of Section 22.14.060 et seq.; or
    - c. Fill determined by the Environmental Coordinator and Director to be necessary to mitigate the impacts of allowable development on archeological resources, which shall not exceed a depth of 24 inches unless specifically authorized by the Director.
  - 2. The site was graded or filled in compliance with a grading permit approved before June 25, 1992.
  - 3. An adjustment (22.70.030) is approved by the Director on the basis that the site was filled before January 1, 1981.



**Figure 10-2 - Measurement of Height - Example 1**



**Figure 10-3 - Measurement of Height - Example 2**

**C. Height limits.** The maximum height for new structures is as follows, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards). (For allowed fence heights, see Section 22.10.080.C.)

**1. Maximum allowed height by land use category.**

Land Use Category	Maximum Height
Agriculture, Rural Lands	35 feet
Commercial	
In Central Business District	45 feet
Elsewhere	35 feet
Industrial	45 feet
Office & Professional	35 feet
Open Space	25 feet
Recreation	35 feet
Public Facilities	45 feet
Residential	
Single Family, Rural and Suburban	35 feet
Multi-Family	
Low intensity	35 feet
Medium Intensity	35 feet
High intensity	45 feet

**2. Exceptions to height limitations.**

- a. Commission modifications.** Buildings and structures exceeding the heights permitted in Subsection C.1. may be authorized through Conditional Use Permit approval, provided the Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction.
- b. Residential exceptions.**
  - (1) Additional height.** The height limitations specified by Subsection C.1 for residential buildings may be adjusted (Section 22.70.030) to allow additional height to a maximum of 45 feet, provided that the required side, rear and interior setbacks shall be increased one foot in width for each foot of height over 35 feet.
  - (2) Downhill lot.** Where the average front-to-back slope of a lot is greater than one foot of fall in seven feet of distance (14.2 percent average slope) from the centerline of the street to the rear face of the proposed building, up to 5 feet may be added to the allowed height limit (Subsection C.).
- c. Uninhabited structures.** The height limits specified in Subsection C.1. do not apply to the following structures (measurement of height is from the ground, as set forth in Subsection A.):
  - (1) Radio and television receiving antennas.** The type customarily used for home radio and television receivers, as well as amateur and commercial transmitting antennas, when 50 feet or less in height.
  - (2) Flagpoles.** 50 feet or less in height.
  - (3) Agricultural structures.** Barns, grain elevators, silos, water tanks, windmills, wind generators and all other similar structures not containing residential uses and located in the Agriculture, Rural Lands, Residential Rural, Residential Suburban and Industrial land use categories.
  - (4) Chimneys.** No more than 100 feet in height located in the Industrial category; and all other chimneys and roof vents extending no more than three feet above the height limit specified in Subsection C.1.
  - (5) Industrial.** Industrial towers, non-portable equipment and other uninhabited structures no more than 60 feet in height located in an Industrial land use category.

- (6) **Construction equipment.** All portable construction equipment.
- (7) **Public utilities.** Poles and structures for providing electrical and communications services.
- (8) **Solar collectors.** Not more than five feet above the height limit specified in Subsection C.1.

[Amended 1984, Ord. 2163; 1986, Ord. 2267; 1988; Ord. 2344; 1992, Ord. 2553] [22.04.120, 122, 124]

**22.10.100 - Lot Consolidation**

In any residential or Rural Lands land use category, any single ownership of two or more adjoining vacant lots with continuous frontage, shall be considered a single parcel of real property except as otherwise provided by this Section. No sale or transfer, or division of less than all of such single parcel shall occur unless the portion or portions of the single parcel to be sold, transferred or divided, are in conformity with the provisions of this Title as modified by this Section.

Type of Water and Sewer Systems	Minimum Lot Area	Minimum Lot Width
Community sewage system and any approved water system	3,500 sf	40 ft (1)
Septic system and community water system	6,000 sf	50 ft (1)
Septic system and domestic well	1 acre	50 ft (1)

**Notes:**

- (1) Minimum width is measured along the front setback line (Section 22.10.140).

[Amended 1981, Ord. 2063] [22.04.050]

**22.10.110 - Minimum Site Area**

**A. Purpose and applicability.** Minimum site area is the smallest existing lot size for which a building permit will be issued. Sections 22.10.100 through 22.10.110 set minimum site area standards for the use of existing lots of record. These standards are not to be used to determine the required parcel size for new land divisions, which are instead subject to Chapter 22.22 (Land Division Standards). Any legally created lot may be used for any use identified as allowable in the applicable land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements), regardless of whether the lot satisfies the minimum size requirements of Chapter 22.22 for new lots, provided that:

1. The existing lot proposed for use is not smaller than the minimum site area required for the proposed use by Subsection C. (Required Area), or Chapter 22.30 (Standards for Specific Land Uses), or by the planning area standards of Article 9.
2. The lot is of sufficient size to satisfy all applicable requirements of this Chapter, without the need for a variance based upon inadequate parcel size.
3. The proposed use is authorized by the appropriate land use permit as determined by Article 2 or Chapter 22.30, or planning area standard of Article 9.

[Added 1984, Ord. 2163; Amended 1992, Ord. 2553]

**B. Area measured.** For the purpose of determining whether a specific lot or contiguous lots satisfy these standards for minimum building site, no portion of an existing or proposed abutting street right-of-way shall be included in the area calculated.

**C. Required area.** The following land uses shall be located only on sites with the minimum areas specified, unless other minimum site area requirements are established by Chapter 22.30 for specific uses, by Chapter 22.14 for combining designations or by planning area standards in Article 9.

Type of Land Use	Minimum Site Area
Agricultural, Resource, and Open Space Uses	None required
Industry, Manufacturing & Processing, Warehousing Food and beverage products Metal industries, primary Paving materials Petroleum refining and related activities Wholesaling and distribution	None required except as follows 5 acres for tallow works and rendering plants; none required otherwise. 5 acres 1 acre 20 acres for refineries and tank farms; 20,000 sf for petroleum product distributors where all storage is underground or within a building. None required
Recreation, Education & Public Assembly Uses ORV courses Public assembly & entertainment	None required except as follows 20 acres, or larger as required by Conditional Use Permit approval 20,000 sf. A theater within a shopping center or parking district may have the minimum area combined with other uses and common parking facilities.
Residential Uses Multi-family dwellings Single-family dwellings Mobile homes	6,000 square feet for two units. Minimum site area for additional units is established by Section 22.10.130.B (Multi-Family Dwellings). 1,750 sf (1) As required by Section 22.30.450 (Residential - Mobile Homes).
Retail Trade Uses	None required

Type of Land Use	Minimum Site Area
Services	None required, except where Chapter 22.22 would require a larger minimum parcel size for the land use category where the use is proposed.
Correctional institutions	20 acres
Waste disposal sites	20 acres
Transportation & Communications	None required for communications uses, piers, pipelines and transmission lines, public utility facilities, transit stations and terminals. 1 acre for other transportation uses.

**Notes:**

- (1) Except where a larger site area is provided by Section 22.10.100, Lot Consolidation, one acre is required where a well and septic system shall be located on a single lot; 2-1/2 acres is required where a lot is proposed to have a septic system, and is located within a Domestic Reservoir Watershed as defined by Section 19.20.222b(3) of the Building and Construction Ordinance, except that no minimum is required where a lot is part of an approved cluster subdivision with a maximum density of 2.5 acres per dwelling unit or more. No land within a horizontal distance of 200 feet from the reservoir impoundment, as determined by the spillway elevation, shall qualify for computing minimum site area, residential density, or for septic system siting; and

[Amended 1984, Ord. 2163; 1992, Ord. 2553] [22.04.040, 042, 044]

### 22.10.120 - Noise Standards

This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.

**A. Exceptions to noise standards.** The standards of this Section are not applicable to noise from the following sources.

1. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;
2. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work to protect life or property;
3. Safety signals, warning devices, and emergency pressure relief valves;
4. Noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday;
5. Noise sources associated with the maintenance of a residential use as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), provided that the activities take place between the hours of 7 a.m. and 9 p.m.;
6. Noise sources associated with agricultural land uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices.
7. Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;
8. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements).
9. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by state or federal law.

**B. Exterior noise level standards.** The exterior noise level standards of this Section are applicable when a land use affected by noise is one of the following noise-sensitive uses: residential uses listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.

1. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by the person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10 dB.

<b>Maximum Allowed Exterior Noise Level Standards</b>		
<b>Sound levels</b>	<b>Daytime 7 a.m. to 10 p.m.</b>	<b>Nighttime (1) 10 p.m. to 7 a.m.</b>
Hourly Equivalent Sound Level ( $L_{eq}$ , dB)	50	45
Maximum level, dB	70	65

**Notes:**

1. Applies only to uses that operate or are occupied during nighttime hours
2. In the event the measured ambient noise level exceeds the applicable exterior noise level standard in Subsection B.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.
3. Each of the exterior noise level standards specified in Subsection B.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the exterior noise level standards.

**C. Interior noise level standards.** The interior noise level standards of this Section are applicable when the land use which is the source of noise and the land use which is affected by noise are both residential uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings.

1. No person shall operate or cause to be operated a source of noise within a residential use in any location in the unincorporated areas of the county or allow the creation of any noise which causes the noise level when measured inside a residential use located in either the incorporated or unincorporated area to exceed the interior noise level standards in the following table.

Maximum Allowed Interior Noise Levels		
Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level ( $L_{eq}$ , dB)	40	35
Maximum level, dB	60	55

2. In the event the measured ambient noise level exceeds the applicable interior noise level standard in Subsection C.1, the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.
3. Each of the interior noise level standards specified in Subsection C.1 shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
4. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the interior noise level standards.

**D. Other noise sources.** The noise level standards in this Section apply to the following.

1. **Air conditioning and refrigeration.** Notwithstanding the provisions of Subsection B.1, when the intruding noise source is an air conditioning or refrigeration system or associated equipment installed prior to June 4, 1992, the exterior noise level as measured as provided in Subsection E. shall not exceed 55 dB, except where the equipment is exempt from the provisions of this Chapter. The exterior noise level shall not exceed 50 dB for equipment installed or in use after June 4, 1993.

2. **Waste and garbage collection equipment.** Notwithstanding the provisions of Subsection B.1, noise sources associated with the collection of waste or garbage from a residential use (as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements) by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before 7 a.m. or after 7 p.m., and the noise level created by these activities when measured at a distance of 50 feet in an open area shall not exceed the following standards.
    - a. 85 dB for equipment in use, purchased or leased prior to December 4, 1992.
    - b. 80 dB for the equipment described in Subsection D.1 after June 4, 1997.
    - c. 80 dB for new equipment purchased or leased after December 4, 1992.
    - d. 75 dB for new equipment purchased or leased after June 4, 1995.
  3. **Electrical substations.** Notwithstanding the provisions of Subsection B.1, noise from the following electrical substations shall not exceed an exterior noise level of 50 dB between 10 p.m. and 7 a.m. and 55 dB between 7 a.m. and 10 p.m., as determined at the property line of the receiving land use: Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Callendar, and Mustang. If any of these substations undergo modifications that increase noise levels, they shall be mitigated in compliance with the policies of the Noise Element Policy Document.
- E. Noise level measurement.** For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.
1. **Use of meter.** Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.
  2. **Measuring exterior noise levels.** Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
  3. **Measuring interior noise levels.** Interior noise levels shall be measured within the affected residential use listed in Subsection C., at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

[Amended 1992, Ord. 2545] [22.06.040, 042, 044, 046, 048, 050]

**22.10.125 - Non-Taxable Merchandise Limitations****A. Limits on non-taxable sales.**

1. For retail trade uses of 90,000 to 139,999 square feet of floor area (for a single use), no more than three percent of the floor area may be devoted to non-taxable merchandise.
2. For retail trade uses of 140,000 to 250,000 square feet of floor area (for a single use), no more than two percent of the floor area may be devoted to non-taxable merchandise.
3. For retail trade uses exceeding 250,000 square feet of floor area (for a single use), no more than one percent of the floor area may be devoted to non-taxable merchandise.

**B. Reporting.** The owner of a retail trade use exceeding 90,000 square feet of floor area shall annually provide a report to the Department of Planning and Building specifying the square footage of the retail store and the percentage of the floor area the square footage represents that was devoted to the sale of non-taxable merchandise during the previous year. This report shall be filed no later than February 28 of the year following

**C. Aggregate use.** In applying this section, floor areas of adjacent retail uses shall be aggregated when those uses share checkstands, management, a controlling ownership interest, a warehouse or a distribution facility.

[Added 2000, Ord. 2913] [22.04.360]

### 22.10.130 - Residential Density

The number of 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 single- or multi-family units that may be allowed. The number of caretaker and farm support units are determined instead by Sections 22.30.430 and 22.30.480.B and C., respectively.

- A. Single-family dwellings.** In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single-family dwellings or mobile homes as permitted or conditional uses, the number of dwellings allowed on a single lot is as follows, provided that mobile homes shall also comply with Section 22.30.450 (Residential - Mobile Homes):
1. **Rural Lands:** Two for each legal parcel (parcel is defined in Chapter 22.80).
  2. **Residential land use categories:** One for each legal parcel, 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 proposes affordable housing in compliance with Government Code Section 65915 shall be as 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.
    - d. **Secondary dwellings.** A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential - Secondary Dwellings).
    - e. **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).
  3. **Recreation category.** The number of dwelling units allowed on a lot in the Recreation 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.

- 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. Community water is required for any residential development in a Recreation category within an urban or village reserve line.

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

**B. Multi-family dwellings.** The number of multiple family dwellings allowed on a single lot or adjoining lots is based upon the "intensity factor" of the site. The intensity factor will be either low, medium or high, based upon the type of street serving the site, the sewer service provided, and the distance of the site from the central business district. The intensity factor determines the maximum number of units allowed, the maximum floor area for all units in the project and minimum areas for landscaping and pedestrian use. A multi-family project must satisfy the floor area and open area standards of this Section, as well as all applicable requirements for parking, setbacks and height. (Multi-Family dwellings in the Recreation Category are subject to Section 22.30.500 (Residential Uses in the Recreation Land Use Category.)

- 1. **Determining intensity factor.** The intensity factor is the lowest obtained from any of the following criteria:

Criteria		Intensity Factor		
		Low	Medium	High
Type of road access	Unpaved road	✓		
	Paved local street		✓	
	Paved collector or arterial (1)			✓
Sewer service	On-site septic	✓		
	Community sewer			✓
Distance from CBD(2)	More than 1 mile	✓		
	1 mile or less		✓	
	Less than 1,000 ft			✓

**Notes:**

- (1) Site access may be from a cross street where the site abuts a collector or arterial.
- (2) Straight-line distance from central business district (CBD).

2. **Determining allowable density.** The allowable density, maximum floor area and minimum open area for a multiple-family project shall be shown in the following table (all area figures are expressed as percentages of the total usable site area). A minimum of 6,000 square feet of site area is required to establish more than one dwelling unit, in compliance with Section 22.10.110.C (Minimum Site Area - Multi-Family Dwellings):

Intensity Factor	Maximum number of units per acre	Maximum floor area (1)	Minimum open area (2)
Low	15	35%	55%
Medium	26	48%	45%
High	38	65%	40%

**Notes:**

- (1) The gross floor area of all residential structures, including upper stories, but not garages and carports.
- (2) Includes required setbacks, and all areas of the site except buildings and parking spaces.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1985, Ord. 2211, 2217; 1992, Ord. 2553; 1999, Ord. 2880] [22.04.080, 082, 084]

## 22.10.140 - Setbacks

This Section determines the minimum size and allowable uses of setbacks for buildings. These standards provide for open areas around structures where needed for visibility, traffic safety and fire safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

**A. Exceptions to setback standards.** All proposed development and new land uses shall comply with the minimum setback requirements of this Chapter *except* the following (see also Subsection H., Projections Into Required Setbacks):

1. Fences, hedges or walls as allowed by Section 22.10.080.C (Standards for fencing and screening materials).
2. Decks, terraces, steps, earthworks and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of 30 inches above the surrounding finished grade, provided that no such wood structure shall extend closer than 36 inches to a property, unless it complies with applicable fire resistive construction requirements of the Uniform Building Code.
3. Areas where special setbacks have been established through adoption of building line maps (Section 22.01.030.B), tentative or vesting tentative map approval, Conditional Use Permit approval for a cluster or agricultural cluster development, planning area standard, specific plan, or by Article 4 for a specific use, in which cases the special setbacks apply in place of the setbacks of this Chapter.
4. Areas where an official plan line for road right-of-way has been established, in which case the front or street-side setbacks required by this Title shall be measured from the plan line instead of from the property line that would otherwise be the basis for setback measurement.

**B. Adjustments to setback standards.** Within urban and village reserve lines, on sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Chapter 22.22 for the applicable land use category, or as set by planning area standard. [Added 1994, Ord. 2696]

**C. Use of setbacks.** Required setback areas shall be landscaped when required by Chapter 22.16 (Landscaping Standards), and shall be unobstructed by any building or structure with a height greater than three feet, except where otherwise provided by Subsection E.3, F.1, H., and Section 22.10.080.G, or Chapter 22.20. The use of setbacks for parking is subject to Section 22.18.030 (Location of Parking on a Site).

- D. Front setbacks.** The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Chapter 22.16, and Section 22.10.080, respectively.
- 1. Basic front setback requirement.** All structures with a height greater than three feet shall be set back a minimum of 25 feet from the nearest point on the front property line; except where this Section establishes other requirements or where otherwise provided by Chapter 22.20 (Signs) or Section 22.10.080 (Fencing and Screening).
  - 2. Residential uses.** All residential uses except for second-story dwellings over a commercial or office use shall have a minimum front setback of 25 feet, except as follows:
    - a. Shallow lots.** The front setback shall be a minimum of 20 feet for any legally-created lot with an average depth less than 90 feet.
    - b. Sloping lot adjustment.** In any case where the elevation of the natural grade on a lot at a point 50 feet from the centerline of the adjacent street right-of-way is seven feet above or below the elevation of the centerline, required parking (including a private garage) may be located, at the discretion of the applicant, as close as five feet to the street property line, in compliance with Section 22.70.030 (Adjustment), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.
    - c. Variable setback block.** Where a residential block is partially developed with single-family dwellings having less than the required front setbacks, and no uniform front setback is established by a planning area standard, the front setback may be adjusted (Section 22.70.030) at the option of the applicant, as follows:
      - (1) Prerequisites for adjustment.** Adjustment may be granted only when 25 percent of the lots on the block with the same frontage are developed, and the entire block is within a single land use category.
      - (2) Allowed adjustment.** The normally required minimum front setback shall be reduced to the average of the front setbacks of the existing dwellings (which include attached garages but not detached garages), to a minimum of 10 feet.
    - d. Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Section 22.22.140), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. [Added 1982, Ord. 2091]

- e. **Lots with parkways.** Where a lot is fronted by a fixed-width parkway between the curb and sidewalk, or meandering sidewalk that varies the parkway separation between the curb and the sidewalk, and where in either case the parkway is landscaped with one or more street tree for each 50 feet of frontage, and turf or low maintenance plants, the front setback may be reduced to a minimum of 15 feet for all portions of the residence except the garage. The garage shall have a minimum front setback of 25 feet.
3. **Commercial and office categories.** No front setbacks are required within a central business district; a 10-foot front setback is required in Commercial and Office categories elsewhere. Ground-floor residential uses in Commercial and Office categories are subject to the setback requirements of Subsection D.2
4. **Industrial category.** A minimum 25-foot front setback is required except on interior and flag lots, where the front setback shall be the same as that required for side setbacks by Subsection E. [Added 1986, Ord. 2250]
5. **Recreation category.** A minimum 10-foot front setback is required, provided that residential uses are subject to the setback requirements of Subsection A.
6. **Double frontage lots.**
  - a. **Selecting the setback location.** Where double frontage setback locations are not specified by subdivision requirements or other applicable regulations, the applicant may, except as otherwise provided in this Section, select the front setback street unless 50 percent of the lots on a double frontage block are developed with the same front yard orientation. In that case all remaining lots shall orient their front setbacks with the majority.
  - b. **Double frontage setback requirements.** A full front setback shall be provided adjacent to one frontage, and a setback of one-half the required front setback depth adjacent to the other frontage; except that where the site of a proposed multiple-residence project includes an entire block, the project shall be designed to provide required front setbacks on the two longest street frontages.
7. **Flag lots and easement access.** The front setback for a lot with no street frontage other than a fee ownership access strip or an access easement extending from a public street to the buildable area of the lot shall be measured from the point where the access strip or easement meets the bulk of the lot, to establish a building line parallel to the lot line nearest to the public street.

- E. Side setbacks.** The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas.
1. **General side setback requirements.** These requirements apply except where otherwise provided by Subsections E.2 through E.6. See Subsection H. (Projections into Required Setbacks) for additional applicable standards. The required general side setback is measured at the front setback line as follows:
    - a. **Within urban and village areas:** 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet, and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 22.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.
    - b. **Within rural areas:** 10 percent of the lot width to a maximum of 25 feet, but not less than three feet, on sites of less than one acre in net area, and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 22.54.020.F.
  2. **Corner lots.** The side setback on the street side of a corner lot within urban and village areas and on sites of less than one acre shall be a minimum of 10 feet, except that:
    - a. **Central business districts.** In a central business district no side setback is required;
    - b. **Narrow lots.** A site having a width of 50 feet or less shall be provided a minimum of a five foot setback.
    - c. **Adjacent to key lot.** A corner lot adjacent to a key lot shall be provided a side setback equal to one-half the depth of the required front setback of the key lot except that:
      - (1) Where the corner lot is less than 50 feet in width, the setback shall be a minimum of 10 feet.
      - (2) Where an alley is between the corner lot and a key lot, the setback on the street side of the corner lot shall be five feet.
    - d. **Rural areas and sites of one acre or larger.** In rural areas and on sites of one acre or larger in net area, the street side setback shall comply with Subsection E.1.b.

- 3. Accessory buildings or structures.** A side yard may be used for an accessory building or structure no greater than 12 feet in height, provided that it is not used for human habitation and is either:
- a. Located no closer than three feet to any property line; or
  - b. Established on the property line as a common wall structure in compliance with Subsection E.6, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.

In addition, accessory buildings and structures shall satisfy all applicable provisions of Section 22.30.410 (Residential - Accessory Uses). [Added 1982, Ord. 2091]

- 4. Commercial and Industrial land use categories.** No side setback is required in the Commercial or Industrial land use categories, except:
- a. As required for corner lots by Subsection E.2; or
  - b. Where required by the Uniform Building Code; or
  - c. Adjacent to a residential category. When the commercial or industrial site is adjacent to a Residential land use category, in which case the side setback adjacent to the Residential category shall be a minimum of 10 feet, and shall be landscaped as set forth in Chapter 22.16. The minimum setback shall be increased one foot for each three feet of commercial or industrial building height above 12 feet.
- 5. Office and Professional category.** Side setbacks shall be provided as set forth in Subsection E.4, except within a central business district no side setback is required.
- 6. Side setbacks for special development types.**
- a. **Airspace condominiums.** The side setback for a building constructed within a common-ownership parcel on a smaller individually-owned parcel or within airspace, shall be the same as required for interior setbacks by Subsection G. (Interior Setbacks and Open Areas).
  - b. **Common wall development.** Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:
    - (1) The setback has been eliminated through subdivision map or Conditional Use Permit approval; and
    - (2) A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
    - (3) The side setbacks opposite the common wall property line are not less than two times the minimum width required by this Section.

- (4) Common wall construction is in compliance with the Uniform Building Code.
- c. **Zero lot line development.** A group of dwelling units on adjoining lots may be established so that all units abut one side property line, provided that:
- (1) The setback has been eliminated for an entire block through subdivision map or Conditional Use Permit approval; and
  - (2) The modified setback requirements for the block are recorded as part of a subdivision map, deed restriction, or other enforceable restriction.
  - (3) The side setback shall not be eliminated or reduced on the street side of a corner lot.
  - (4) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this Section.
- F. **Rear Setbacks.** The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line. The minimum rear setback is 10 feet on sites of less than one acre in net area and 30 feet on sites of one acre or larger in net area except as follows:
1. **Accessory buildings and structures.** A rear setback in a residential category may be used for an accessory building or structure no greater than 12 feet in height, provided the accessory building is not used for human habitation or the keeping of animals, and is located no closer than three feet to a rear property line or alley. See Subsection H. (Projections into Required Setbacks) and Section 22.30.410 (Residential - Accessory Structures) for additional applicable standards.
  2. **Commercial and industrial categories.** No rear setback is required in Commercial or Industrial land use categories except:
    - a. **Adjacent to alley.** Where the rear property line abuts an alley the rear setback shall be a minimum of five feet; except where the alley provides vehicular access to the interior of the building, 10 feet.
    - b. **Adjacent to residential use.** Where the rear property line abuts a residential category or use, the rear setback shall be a minimum of 15 feet, except:
      - (1) **Intervening alley.** The rear setback shall be five feet where an alley lies between the commercial or industrial site and a residential use.
      - (2) **Increased building height.** The minimum setback shall be increased one foot for each three feet of commercial or industrial building height above 12 feet, with the height in this case measured along a line projected from the building face at the subject setback line.

3. **Office and Professional and Recreation categories.** The rear setback shall be a minimum of 10 feet, except:
  - a. **Central business district.** In a central business district, no rear setback is required except as provided in Subsection F.3.b.
  - b. **Adjacent to alley.** Where the rear property line abuts an alley, the rear setback shall be five feet.
  - c. **Adjacent to residential use.** When the rear property line of an Office and Professional or Recreation site abuts a Residential category, the rear setback shall be as specified in Subsection F.2.b.
  
- G. **Interior setbacks and open areas.** Detached buildings located on the same site shall be separated as follows:
  1. **Accessory buildings.** An accessory building shall be located no closer than six feet from any principal building.
  2. **Residential buildings.** A principal residential building (including a multi-family dwelling) shall not be located closer to another principal building than 10 feet, or one-half the height of the taller of the two buildings, when one or both are more than two stories.
  3. **Non-residential buildings.** Set by the Uniform Building Code.
  
- H. **Projections into required setbacks.** The setback requirements of this Title are modified as follows:
  1. **Decks.** When constructed higher than 30 inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than 30 inches high are exempt from these requirements - see Subsection A.):
    - a. **Front setback.** A deck shall not be located therein.
    - b. **Side setback.** As determined by Sections 1206 and 1710 of the Uniform Building Code.
    - c. **Rear setback.** A deck may occupy up to 30 percent of a required rear setback, but shall extend no closer than three feet to the rear property line.
  2. **Fire escapes.** A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by Sections 1206, 1710 and 3305(n) of the Uniform Building Code.
  3. **Roof and wall features.** Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutters, signs (where allowed), display windows, and solar collectors may project into a required setback up to one-third the width of the required setback, only as allowed by Sections 504, 1206 and 1710 of the

Uniform Building Code, provided that the bottom edge of the projection shall be located either higher than eight feet or lower than four feet above finish grade.

**4. Porches.**

- a. Porch defined.** Porches are outdoor steps, stairs, and/or a raised platform with open sides, not exceeding 30 inches in height above grade at any point, or no higher than the ground floor of the building, located immediately adjacent to an entry of a building to provide pedestrian access from the outdoor ground elevation to a building interior and *not* to be used as habitable living space. If the porch is enclosed, it will be considered habitable living space and shall not project into a required setback. Open is defined as being at least 60 percent open to the elements on three sides (no screening or glass). If the platform portion of a porch (not including steps) is higher than 30 inches, it is considered a deck, and shall not project into a required setback.
- b. Allowed projection.** Porches may project into required setbacks as follows.
- (1) Front porch.** A front porch and/or stairs may project up to six feet into a required front setback.
  - (2) Side porch.** A porch and/or outside stairway may be located in a required side setback provided the porch does not extend into the side setback more than allowed by Section 1206, 1710 and 3305(n) of the Uniform Building Code.
  - (3) Rear porch.** A porch in the required rear setback is subject to the same limitations as a deck, in compliance with Subsection H.1.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648; 1994, Ord. 2696; 1999, Ord. 2880] [22.04.100 to 116]

### 22.10.150 - Solid Waste Collection and Disposal

This Section determines when new land uses must include provision of identified trash collection, pickup and recycling areas, and sets design standards for such areas.

- A. Where required.** The following uses (except individual single-family dwellings, temporary uses, agricultural uses, and other uses that do not create a need for solid waste pickup and disposal) shall provide an enclosed area for the temporary collection of solid waste and recyclable materials before disposal truck pickup:
1. **Within urban or village reserve lines:** All uses.
  2. **In rural areas:** Any commercial, industrial and public facility uses listed as other than “Residential Uses” in Section 22.06.030 (Allowable Land Uses and Permit Requirements).
- B. Application content.** All land use permit applications shall include the location of solid waste collection areas, collection containers, recycling area and maneuvering areas for disposal and recycling trucks, including access driveways.
- C. Collection area and recycling area standards.**
1. **Location of collection facilities.** The solid waste collection area and recycling area shall be located within 100 feet of the dwellings or buildings serviced, but shall not be located in a front setback (Section 22.10.140.B - Front Setbacks), or within 10 feet of a front property line in a central business district.
  2. **Enclosure required.** Solid waste collection areas and recycling areas that use dumpsters or other containers with a total capacity greater than two 33-gallon containers shall be screened from the view of public streets and adjoining properties on three sides by a solid fence or wall as high as the collection container, but not less than three feet nor more than six feet in height, and on the fourth side by a solid gate.
  3. **Enclosure construction standards.** Enclosures shall meet the construction requirements as set forth in Chapter 8.12 of the County Code in addition to the following standards.
    - a. The floor or bottom surface of a solid waste collection area shall be of concrete or other impervious material.
    - b. The collection area shall have unobstructed vertical clearance for a minimum height of 25 feet.

- c. A covered storage area at least three feet by 6-½ feet in size or as otherwise adequate to accommodate containers consistent with current methods of collection in the area where the project is located, accessible for truck loading, shall be incorporated into each solid waste collection area for the accumulation of recyclable materials. This storage area shall not be used for the collection of recyclable materials until such time as a recycling program exists for the area where the project is located.
- d. The recycling area shall be large enough to accommodate an adequate number of bins to allow for the collection of recyclable materials generated by the development.
- e. One or more signs clearly identifying the recycling areas, instructions, and a list of materials accepted shall be posted at all points of access to the recycling area.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1992, Ord. 2553; 1994, Ord. 2696] [22.04.280]

### **22.10.160 - Underground Utilities**

Utilities serving new structures shall be installed underground rather than by the use of poles and overhead lines, and where applicable shall be installed in accordance with California Public Utilities Commission rules and regulations. This requirement applies to electrical service and telecommunications (including cable TV, telephone and data transmission) connections between utility company distribution lines and all proposed structures on a site, and all new installations that distribute utilities within a site. This requirement does *not* apply to the following:

- A. New structures on parcels of five acres or larger, or requiring uninterrupted utility runs of five hundred feet or more;
- B. Public utility distribution service to the edge of the lot, except in an underground utility district or where 75 percent of the lots on the street within 1,000 feet of the site are already developed, and have overhead service from the utility company distribution source to the residences.
- C. Where underground installation may cause a substantial adverse environmental impact, as determined by the Director; or
- D. Temporary overhead extensions for use during construction and/or for the purpose of testing the power supply.

This Section may require an applicant to underground utilities from the utility company distribution source to the site, as well as on the site itself. The utility service provider should be contacted for information on the Public Utility Commission's rules and regulations regarding the undergrounding of utilities. Poles and overhead lines other than those allowed by this Section are allowable subject to Minor Use Permit approval, provided that the Review Authority first finds that either topographical, soil or similar physical conditions, or the distance to the utility company distribution source make the use of underground utilities unreasonable or impractical.

[Amended 1992, Ord. 2553; 1999, Ord. 2880] [22.05.120]

**22.10.170 - Vibration**

**A. Vibration standards.** Any land use conducted in or within one-half mile of an urban or village reserve line shall be operated to not produce detrimental earth-borne vibrations perceptible at the points of determination identified in the following table.

Land Use Category in Which Vibration Source is Located	Point of Determination
Residential, Office & Professional, Recreation, Commercial	At or beyond any lot line of the lot containing the use.
Industrial	At or beyond the boundary of the Industrial category

**B. Exceptions to standards.** The vibration standards of this Section do not apply to:

1. Vibrations from construction, the demolition of structures, surface mining activities or geological exploration between 7.00 A.M. and 9.00 P.M.;
2. Vibrations from moving sources such as trucks and railroads.

[Amended 1981, Ord. 2063] [22.06.060]

### 22.10.180 - Water Quality

This Section establishes a procedure for the notification of the California Central Coast Regional Water Quality Control Board (RWQCB) when a new land use or modification to an existing use may affect groundwater quality because of proposed methods of disposal, or large volumes of wastewater, or because of the disturbance of natural soil contours.

**A. Applications to be transmitted.** Any application filed in compliance with Article 6 (Land Use and Development Permit Procedures), Chapter 22.52 (Grading), or Chapters 22.34 and 22.36 (Resource Extraction) except for business licenses, shall be transmitted by the Department to the RWQCB for review where:

1. Any proposed development of more than five dwelling units will not be connected to an existing public sewer system;
2. A discharge of wastewater to surface waters is proposed;
3. A proposed waste discharge will contain toxic or hazardous materials (e.g., agricultural chemicals or metal plating wastes);
4. On-site wastewater treatment and disposal systems other than conventional individual septic tank absorption fields are proposed;
5. Waste flows are expected to exceed 2,500 gallons per day;
6. A variance from state or local water quality or construction standards is requested;
7. A livestock specialty use as defined by Article 8 (Definitions/Glossary) is proposed;
8. A cemetery is proposed.

**B. Review procedure.** A copy of all applications as described above shall be forwarded to the Regional Water Quality Control Board for review upon receipt by the Department. This transmittal is intended to enable the RWQCB to:

1. Determine if the proposed use or activity is required to have discharge requirements, or is subject to other regulations of the RWQCB.
2. Contact and advise the applicant on applicable requirements, and to advise the Department of any RWQCB permit requirements.
  - a. In the case of applications for Zoning Clearance or Site Plan Review approval, within 10 business days of application transmittal;
  - b. In the case of Minor Use Permit or Conditional Use Permit applications, notification of requirements, special comments, or recommendations to be forwarded to the Review Authority, shall be returned no later than 10 days before the hearing.

[Amended 1992, Ord. 2553] [22.06.100, 102]



## **CHAPTER 22.12 - AFFORDABLE HOUSING INCENTIVES**

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### **Sections:**

- 22.12.010 - Purpose of Chapter
- 22.12.020 - Applicability
- 22.12.030 - Permit Requirement
- 22.12.040 - Density Bonus Determinations
- 22.12.050 - Location and Timing for Provision of Affordable Units
- 22.12.060 - Site Design Standards
- 22.12.070 - Housing Affordability Standards

### **22.12.010 - Purpose of Chapter**

This Chapter provides standards and requirements for residential density bonuses in compliance with Government Code Section 65915. These provisions are intended to encourage developers to provide affordable housing while retaining good design and neighborhood character. [22.04.090]

[Amended 2003, Ord. 2994]

### **22.12.020 - Applicability**

Within the RSF and RMF land use categories, an applicant may request a density bonus and other incentives in return for constructing, and selling or renting affordable housing in compliance with this Section. Eligible housing developments may include: vacant subdivided lots for sale; lots developed with single-family dwellings; or, where allowed, lots developed with multi-family units. However, the affordable housing units used to qualify the project for a density bonus and other incentives shall consist of completed single-family or multi-family dwellings, with maximum rents, sales prices and long-term affordability in compliance with Section 22.12.070. [22.04.090]

### **22.12.030 - Permit Requirement**

Conditional Use Permit approval shall be required to authorize a project proposing an affordable housing density bonus, except that:

- A. The purpose of the Conditional Use Permit review shall be to evaluate the entire project with respect to its compliance with the provisions of this Section and Section 22.12.070 and the findings specified by Section 22.62.060C.4.
- B. The Conditional Use Permit approval process in this case does not include the discretion to limit or disallow the development bonus provided by this Section, but does include the authority to approve or disapprove the overall project, or to approve the project subject to conditions that do not affect the development bonus.

[Amended 2003, Ord. 2994]

## 22.12.040 - Density Bonus Determinations

- A. Determining base density.** Base density is the maximum number of dwellings, or in the case of a residential land division, the maximum number of residential parcels that may be allowable on a given site under this Code, not including any density bonuses as provided under this Title or state statute. Establishing the base density is necessary for purposes of determining whether a housing development is eligible for the density bonus, how many affordable dwellings must be provided in exchange for the density bonus, and the total number of dwellings that may be allowable including the density bonus. However, base density as determined under this Section does not affect the provisions of this Code for review of proposed developments or land divisions which are not proposed to include the density bonus provided under this Section, and such developments or land divisions may not necessarily be approved by the County at a density equal to this base density. Base density is determined as follows:
- 1. Residential Multi-Family category.** The base density for a site in the Residential Multi-Family land use category is the number of multi-family dwellings that are allowable on the site in compliance with Section 22.10.130.B (Residential - Multi-Family Dwellings).
  - 2. Residential Single-Family category.** The base density for a site in the Residential Single-Family land use category is equal to the total usable site area divided by the applicable minimum parcel size in compliance with Subsections 22.22.080.A, B, and C., except that average slope for the entire site may be used for the slope test under Subsection 22.22.080.B instead of the average slope for each proposed parcel.
- B. Eligibility for bonus and allowable density including bonus.** A proposed residential project must satisfy the following standards in order to qualify for a density bonus in compliance with this Section:
- 1. Project size.** Housing developments eligible for density bonus under this Section must include five or more dwelling units, not including the bonus units. Whether a housing development includes five or more dwelling units shall be determined in compliance with Subsection A.
  - 2. Type of eligible projects.** Housing units developed for sale or rental; but not including transient housing, such as time-share and hotel/motel projects.
  - 3. Eligible buyers and renters.** The project shall be administered so that affordable units may be purchased or rented only by families of very low-income as defined in Section 50105 of the California Health and Safety Code; lower-income as defined in Section 50079.5 of the California Health and Safety Code; or senior citizens as defined in Section 51.3 of the California Civil Code, if they also qualify as low or moderate income as defined in Section 50093 of the California Health and Safety Code.
  - 4. Project location.** The site must be within an urban or village area and in either the Residential Single-Family or Residential Multi-Family land use categories.
  - 5. Amount of affordable housing.** In order to be eligible for a density bonus under this Section, the project must satisfy the provisions of Government Code Section 65915 by

providing affordable housing in compliance with Section 22.12.070 in an amount equal to or exceeding those listed below. The density bonus units are not included when computing the 10, 20, or 50 percent of the base density.

- a. 10 percent of the base density determined in compliance with Subsection A. for families of very low-income; or
  - b. 20 percent of the base density determined in compliance with Subsection A. for families of lower-income; or
  - c. 50 percent of the base density determined in compliance with Subsection A. for senior citizens of low or moderate-income.
- 6. Continued availability of affordable housing.** Affordable housing units provided in compliance with this Section shall be subject to the long-term housing affordability provisions described in Section 22.12.070 for a period of 30 years, or a longer time if required by a construction or mortgage assistance, mortgage insurance, or rental subsidy program. If the project receives only a 25 percent increase in density under this Section and no other incentives described in Government Code Section 65915(h), then continued affordability shall be ensured as described in Section 22.12.070 for 10 years. For purposes of this Section, other incentives of financial value may include, but are not limited to, one or more of the following:
- a. The additional increase in allowable density (above 25 percent) as described in Subsection D.
  - b. A reduction in the open area required for cluster divisions by Section 22.22.140.D pursuant to Section 22.12.060.H of this section;
  - c. Any financial assistance that the County provides directly or administers on behalf of state or federal funding programs;
  - d. A concession or incentive described in Government Code Section 65915(h) that is suitable to the project site and the project.
- 7. Site and neighborhood characteristics.** The project site and vicinity shall be determined by the Review Authority to be capable of accommodating the allowable density bonus without significant adverse effects on the environmental characteristics of the site or the character and public service facilities of the neighborhood and community.
- C. Density bonus and other incentives.** The developer of a project eligible under this Section shall be granted a density bonus as calculated in Subsection D. or other incentives of equivalent financial value based on land cost per dwelling unit as determined by the Review Authority.

**D. Determining allowable density with bonus.**

1. **Maximum allowable density.** If the affordable housing units are to be provided on the site proposed to receive a density bonus, the maximum allowable density is determined by multiplying the base density determined under Subsection A. by a factor of 1.35. A factor of 1.30 shall be used if the affordable housing units are to be provided on a site separate from that proposed to receive a density bonus.
2. **Minimum parcel size.** The minimum parcel size required in the Residential Single-Family land use category by Section 22.22.080, or the maximum floor area permitted in the Residential Multi-Family land use category by Section 22.10.130.B, may be decreased by the same percentage density may be increased under this Section; except that where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions have been granted, the minimum parcel size may be decreased or maximum floor area may be increased by only 25 percent.
3. **Density bonus.** Where a proposed project may otherwise qualify for other density bonuses in addition those provided by this Section (e.g. through the cluster division provisions of Section 22.22.140), only one such bonus may be used.

[Amended 2003, Ord. 2994]      [22.04.090]

**22.12.050 - Location and Timing for Provision of Affordable Units**

Affordable housing units provided to qualify a project to receive a density bonus under this Section need not be located within the same site as the bonus units, but they must be located within the same urban or village area. Also, the affordable housing units must be completed, and their final building inspection granted by the Building Official verifying completion of the structures and related improvements, before the Building Official shall grant final building inspection for the market rate units, except where the developer has posted a performance bond or entered into an alternative agreement ensuring provision of the affordable housing units, subject to approval by the County Counsel and the Director.

[22.04.090.7]

**22.12.060 - Site Design Standards**

The following minimum site design standards apply to projects consisting of single-family dwellings on individual lots, receiving a density bonus under this Section and located in the Residential Single-Family or Residential Multi-Family land use categories.

- A. **Lot width.** The minimum lot width for each parcel shall be 35 feet measured at the front setback.
- B. **Front setback.** The minimum front setback shall be 18 feet, except for cluster divisions authorized under section 22.22.140.

- C. **Side setbacks.** The minimum combined side setbacks shall be 10 feet, and structures shall be separated by at least 10 feet except for structures sharing common walls.
- D. **Rear setback.** The minimum rear setback shall be 10 feet.
- E. **Off-street parking.** The minimum average number of off-street parking spaces per dwelling shall be two spaces. At least one of the two spaces shall be within a garage, unless at least 50 square feet of enclosed utility storage space is provided.
- F. **Site coverage.** The coverage of each residential parcel by structures shall not exceed 40 percent of the total area of the parcel, except for cluster divisions authorized under Section 22.22.140, in which case the structural coverage shall not exceed 70 percent of the total area of each parcel.
- G. **Private open area.** Each residential parcel shall include within its own boundaries a minimum of 10 percent, but no less than 400 square feet, of the total area of the parcel as usable private open area. Usable private open area is defined as an area within a residential parcel enclosed by walls or fences, not encumbered by structures, driveways, parking spaces or slopes greater than 15 percent, not less than 10 feet in width, and visible and accessible from the kitchen, dining room or living room of the dwelling.
- H. **Common open area.** Common open area is not required for projects receiving a density bonus under this Section, except for cluster divisions. Open area requirements of this Title for cluster divisions may be reduced by up to 50 percent where feasible given the physical characteristics of the site.

[Section Added 1984, Ord. 2158; amended 1989, Ord. 2428; 2992, Ord. 2578; 2003, Ord. 2994]  
 [22.04.090.g]

## 22.12.070 - Housing Affordability Standards

The standards in this Section apply to housing units designated as affordable units as specified in Section 22.12.040.B, or by Section 26.01.034b of the Growth Management Ordinance, Title 26 of the County Code, or by subsection 18.04.010a(1) of the Public Facilities Fee Ordinance, Title 18 of the County Code.

- A. **Determination of initial affordable housing sales prices.** The following procedure is designed to determine sales prices that will enable purchase of the affordable housing units by the targeted income group families without their monthly housing costs exceeding 30 percent of their gross incomes.
  - 1. **Determine median income.** First, find the applicable median income based on the family size. This information is published in Section 6932 of Title 25 of the California Code of Regulations. Both the family size and the size of the housing unit shall be used to determine the affordable housing sales price, as follows:

- a. Studio: use the median income for a one-person family.
  - b. One-bedroom unit: use the median income for a two-person family.
  - c. Two-bedroom unit: use the median income for a three-person family.
  - d. Three-bedroom unit: use the median income for a five-person family.
  - e. Four bedroom unit: use the median income for a six-person family.
2. **Determine mortgage interest rate.** Next, determine the annual percentage rate of mortgage financing, amortized over 30 years, by adding 2.5 points to the 11th District Cost of Funds as currently published by the Federal Home Loan Bank Board at the time of building permit issuance. An interest rate based on alternative mortgage financing committed to the project may be approved by the Director, provided there are no balloon payments scheduled before the end of the term, the term is at least 30 years, any deferred-payment loans do not carry interest rates greater than three percent simple interest per annum, and there will be no negative amortization. (Repayment requirements upon resale or refinancing do not constitute scheduled balloon payments for purposes of this Section).
3. **Determine the affordable sales price.** The median income determined under Subsection A1 shall be multiplied by the affordable sales price factor in the following table. Use the mortgage financing rate determined under Subsection A2 to calculate the maximum allowable initial selling price for the designated income or senior age group:

AFFORDABLE SALES PRICE FACTOR							
Mortgage Interest Rate	Very Low-Income	Lower-Income	Low or Moderate-Income	Mortgage Interest Rate	Very Low-Income	Lower-Income	Low or Moderate-Income
1.0	3.14	4.80	7.46	8.5	1.31	2.01	3.12
1.5	2.93	4.47	6.96	9.0	1.26	1.92	2.98
2.0	2.73	4.18	6.49	9.5	1.20	1.84	2.85
2.5	2.56	4.11	6.07	10.0	1.15	1.76	2.73
3.0	2.40	3.66	5.69	10.5	1.11	1.69	2.62
3.5	2.25	3.44	5.34	11.0	1.06	1.62	2.52
4.0	2.12	3.23	5.02	11.5	1.02	1.56	2.42
4.5	1.99	3.05	4.73	12.0	0.98	1.50	2.33
5.0	1.88	2.87	4.47	12.5	0.94	1.44	2.25
5.5	1.78	2.72	4.22	13.0	0.91	1.39	2.17
6.0	1.68	2.58	4.00	13.5	0.88	1.34	2.09
6.5	1.60	2.44	3.79	14.0	0.85	1.30	2.02
7.0	1.52	2.32	3.60	14.5	0.82	1.26	1.96
7.5	1.44	2.21	3.43	15.0	0.80	1.22	1.89
8.0	1.38	2.10	3.27	15.5	0.77	1.18	1.84

4. **Exception to initial affordable housing sales price limit.** The initial sales price limits established by this Section shall not apply to housing units purchased with mortgage financing provided through the federal Rural Housing Service Section 502 program.
- B. Non-Sales.** In cases where no sale will occur, such as when an owner-builder is involved (a landowner who wishes to construct his primary residence on his own property), the sales price that would apply pursuant to Subsection A shall be used in meeting the long-term housing affordability provisions of Subsection D1.
- C. Rental units.** Rent levels of the affordable units, including allowances for the costs of utilities as determined by the Housing Authority of the City of San Luis Obispo, shall not exceed the following:
1. **Very low-income units:** 30 percent of 50 percent of the median family income as determined under Subsection A.1.
  2. **Lower-income units:** 30 percent of 60 percent of the median family income as determined under Subsection A.1.
  3. **Low or moderate-income units:** the current Fair Market Rents established by the Department of Housing and Urban Development's Housing Assistance Payment Program (Section 8) or any superseding governmental program.
- D. Continued availability of affordable housing.** Once a density bonus as described in Section 22.12.040.A, or an exemption from growth management provisions under Subsection 26.01.034b of the Growth Management Ordinance, Title 26 of the County Code, or a deferment of the public facilities fees as described in subsection 18.04.010a(1) of the Public Facilities Fees Ordinance, Title 18 of the County Code, is granted in return for a commitment to provide affordable housing, such affordable units shall continue to be reserved as affordable housing as determined by this Section, for a period of 30 years, or for a period of time as defined in Chapter 22.12 or subsection 26.01.034b of Title 26 of the County Code, as follows:
1. **For sale units.** Prior to the issuance of any project construction permits the property owner and the County shall enter into and record a Construction Agreement, prepared by County Counsel, assuring that the project will provide designated affordable housing unit(s). When a designated affordable housing unit is first sold to an eligible buyer, or when the owner-builder of a designated affordable housing unit requests final permit approval for occupancy of his residence, the buyer and County or the owner-builder and County shall enter into an Affordable Housing Agreement which shall be recorded as an encumbrance on the property, and secured by a recorded deed of trust. The said Affordable Housing Agreement shall supercede the Construction Agreement. The said Agreement and deed of trust shall establish the monetary difference between the initial purchase price and the initial appraised value as a loan payable to the County. The loan shall accrue interest at a rate equal to 4.5 points added to the 11th District Cost of Funds as currently published by the Federal Home Loan Bank Board, amortized over 30 years, and the monthly payments of principal and interest shall be waived by the County as long as the owner who was previously approved by the County as an eligible buyer or as an owner-builder continues to own and reside in the property subject to the County loan as

his or her principal residence, and also continues to be a legal resident of the County. The County shall have a right of first refusal to purchase the property at current appraised value. The consideration for the County's right of first refusal shall consist of 1 percent of the remaining County loan balance. The balance of the County loan remaining after deducting this 1 percent of the loan balance shall be credited toward the purchase price if the County chooses to exercise the purchase option. The provisions of this Section shall not impair the rights of a first mortgage lender secured by a recorded deed of trust. The purchase money lender(s) shall have a higher priority than the County's loan. The county's security shall be prioritized as a second mortgage. This first priority applies to the purchase money lender's assignee or successor in interest, to:

- a. Foreclose on the subject property in compliance with the remedies permitted by law and written in a recorded contract or deed of trust; or
- b. Accept a deed of trust or assignment to the extent of the value of the unpaid first mortgage to the current market value in lieu of foreclosure in the event of default by a trustor; or
- c. Sell the property to any person at a fair market value price subsequent to exercising its rights under the deed of trust. Any value in excess of the unpaid mortgage and costs of sale administration shall be used to satisfy the County loan. In no case may a first mortgage lender, exercising foreclosure assignment in-lieu of foreclosure or sale, obtain value or rights to value greater than the value of the outstanding indebtedness on the first mortgage at the time of the debt clearing action.

In addition, the following types of transfers shall remain subject to the requirements of the County's loan and right of first refusal: transfer by gift, devise, or inheritance to the owner's spouse; transfer to a surviving joint tenant; transfer to a spouse as part of divorce or dissolution proceedings; or acquisition in conjunction with a marriage.

2. **Rental units.** Rent levels shall be based on the same criteria as those used to compute the original rent ceiling in Subsection C. The rent levels will be enforced through the Review Authority imposing applicable conditions at the time of land use permit or subdivision approval for the project, and by recorded deed restriction on each affordable unit.
3. **Exception to resale restrictions.** At the time of sale to a qualified buyer or at the time of occupancy by an owner-builder, if the fair market value of any designated affordable housing units is equivalent to the affordable sales price determined above, no affordable housing agreement shall be required. Additionally, no affordable housing agreement shall be required for housing units purchased with mortgage financing provided through the federal Rural Housing Service Section 502 program.

[Amended 1992, Ord. 2578; 2003, Ord. 2994] [22.04.094]

## **CHAPTER 22.14 - COMBINING DESIGNATION STANDARDS**

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### **Sections:**

- 22.14.010 - Purpose of Chapter
- 22.14.020 - Applicability of Standards
- 22.14.030 - Airport Review Area (AR)
- 22.14.040 - Energy and Extractive Resource Area (EX)
- 22.14.050 - Extractive Resource Area (EX1)
- 22.14.060 - Flood Hazard Area (FH)
- 22.14.070 - Geologic Study Area (GSA)
- 22.14.080 - Historic Site (H)
- 22.14.090 - Local Coastal Plan Area (LCP)
- 22.14.100 - Sensitive Resource Area (SRA)
- 22.14.110 - Transfer of Development Credit Sending Site (TDCS)
- 22.14.120 - Transfer of Development Credit Receiving Site (TDCR)

### **22.14.010 - Purpose of Chapter**

Combining designations are used to identify and highlight areas of the county having natural or built features which are sensitive, hazardous, fragile, of cultural or educational value, or of economic value as extractable natural resources. The purpose of combining designation standards is to require project design that will give careful consideration to the land features, structures and activities identified by the combining designations. These standards provide for more detailed project review where necessary to support public safety or proper use of public resources. [22.07.010]

### **22.14.020 - Applicability of Standards**

The standards of this Chapter apply to all projects for which a land use permit is required, when a project is within a combining designation shown on the official maps (Part III of the Land Use Element). When applicable, these standards apply to a project in addition to any requirements of planning area standards (Article 9 - Community Planning Standards), and the other requirements of this ordinance. When the standards of this Chapter conflict with other chapters of this Title, these standards shall control for the purposes of this Title. If the standards of this Chapter conflict with planning area standards, the planning area standards control. Any determination that the provisions of this Chapter do not apply to a specific land use shall not be construed as exempting the land use from other applicable requirements of this Title. [22.07.012]

**22.14.030 - Airport Review Area (AR)**

**A. Applicability.** The Airport Review (AR) combining designation is used to recognize areas around airports where certain land uses and site development characteristics may conflict with aircraft maneuvers or with the safe and functional use of the airport. The standards of this Section regulate objects affecting navigable airspace, consistent with federal regulations. The Airport Review combining designation is applied to:

1. Areas below the several imaginary surfaces around each airport established by the U.S. Federal Aviation Administration in its Federal Aviation Regulations, Volume XI, Part 77.
2. Those areas surrounding each airport as identified in plans adopted by the San Luis Obispo County Airport Land Use Commission.

The two areas described above are identified in Article 9 (Community Planning Standards), which also contains specific requirements for each specific Airport Review combining designation area.

**B. Limitation on use.** Developments within areas covered by land use plans adopted by the San Luis Obispo County Airport Land Use Commission are limited to those identified in the plans as "compatible" and "conditionally approvable." Projects that are conditionally approvable may be granted a permit only when in compliance with all conditions of the applicable airport land use plan or its implementing rules.

**C. Application content.** In addition to the requirements of Article 6, all applications shall include descriptive and plan information as necessary to determine compliance with these airport review sections.

**D. Additional height standards.** The following standards apply to projects in the AR combining designation in addition to the provisions of Section 22.10.090 (Heights):

1. Except as otherwise provided in this Section, no structure shall be erected, altered, replaced, repaired or rebuilt, or tree be allowed to grow higher or be replanted, in any airport approach area, airport turning area, or airport transition area to a height that would project above the approach surface, the horizontal surface, the conical surface, or the transitional surfaces as defined in Article 8.
2. The maximum height of Subsection D.1 may be increased by the San Luis Obispo County Airport manager, where existing terrain features near a proposed project are higher than proposed structures, and no additional hazard to air traffic will result. In such cases, the height of proposed structures may be increased to a maximum height equivalent to the terrain feature. Any allowed increase in height may be conditioned to require the owner of the proposed structure to install, operate, and maintain on the structure markers and lights that may be necessary to indicate to flyers the presence of an aviation hazard.

- E. Additional operational standard.** The following standard shall apply in addition to the provisions of Article 3. Except as provided in Section 22.14.030, no use may be made of land within any airport approach area, airport turning area, or airport transition area, in a manner to create electrical interference with radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.
- F. Avigation easement required.** To ensure the continued viability of avigable airspace within AR areas, approval of a land use permit is subject to the property owner providing the county an avigation easement for all projects in areas identified in the applicable airport land use plan as needing an avigation easement.
- G. Appeal procedure.** Any appeal or variance to this Section requested in compliance with Section 22.70.050 or 22.70.030 shall first be transmitted to the San Luis Obispo County Airport Land Use Commission for its consideration in accordance with Section 21676 of the California Public Utilities Code. No subsequent approval of the appeal or variance to a degree greater than that set by the Airport Land Use Commission shall be of any effect unless and until the Board of Supervisors so determines by a vote of not less than four-fifths.

[Amended 1986, Ord. 2250] *[22.07.020 through 22.07.032]*

### 22.14.040 - Energy and Extractive Resource Area (EX)

**A. Purpose and applicability.** The Energy and Extractive Resource Area (EX) combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

**B. Processing requirements.** When located in an EX area, all proposed land uses required to have land use permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 4 (Standards for Specific Land Uses), or by planning area standards in Article 9, are subject to the requirements of this Section.

**1. Permit required.**

- a. **Resource extraction.** The land use permit requirements for oil wells or mining operations shall be as determined by Chapters 22.34 and 22.36.
- b. **Electric generating facilities.** The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 22.32.
- c. **All other land uses.** Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would otherwise be required by this Title to have Conditional Use Permit approval.

**2. Application content.**

- a. **Resource extraction:** As required by Chapters 22.34 and 22.36.
- b. **Electric generating facilities:** As required by Chapter 22.32..

- c. All other land uses.** Where a land use other than resource extraction or power generation is proposed in an EX area, the permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:
- (1) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;
  - (2) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
  - (3) The feasibility of conducting resource extraction operations at the same time as the proposed use.
- 3. Required findings.** Approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.
- D. Development standards.** Resource extraction operations shall be established and operated in compliance with the standards of Chapters 22.36 and 22.36. Electric generating facilities shall comply with Chapter 22.32. Development standards for other land uses shall be established through the land use permit review and approval process.

[Amended 1986, Ord. 2250; 1989, Ord. 2409; 1992, Ord. 2553; 1994, Ord. 2696] *[22.07.040 to 044]*

## 22.14.050 - Extractive Resource Area (EX1)

- A. Purpose and applicability.** The Extractive Resource Area (EX1) combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.

- B. Processing requirements.** The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.
1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.

2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

[Amended 1991, Ord. 2499] *[22.07.050, 052]*

**22.14.060 - Flood Hazard Area (FH)**

- A. Purpose and applicability.** The Flood Hazard (FH) combining designation is applied to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas. These standards are also intended to minimize the effects of development on drainage ways and watercourses. The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for San Luis Obispo County," dated July 18, 1985, with an accompanying flood insurance rate maps, and any subsequent revisions to the flood insurance rate maps or flood area boundary maps, are hereby adopted and incorporated into this Title by reference as though they were fully set forth here. The flood insurance study is on file in the County Public Works office.
- B. Applicability of flood hazard standards.** All uses proposed within a FH combining designation are subject to the standards of this Section, except:
- 1. Temporary uses.** With the approval of the County Engineer, the Director may authorize construction or placement of a temporary structure or use within a Flood Hazard area pursuant to the required land use permit without meeting these standards, provided that the structure or use will not be in place from October 15, to April 15.
  - 2. Emergency work.** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer shall be notified and an application filed with the Department in compliance with the provisions of Subsection C.
  - 3. Existing uses.** The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Title is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Title.
- C. Flood Hazard Area permit and processing requirements.** Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this Title, state and Federal law. In addition to the information called for in Section 22.52.080 (Drainage Plan Required) the drainage plan shall include:
- 1. Federal Insurance Administration flood data, including base flood elevations, flood hazard areas and floodway locations.**

2. In areas where water surface elevation data has not been provided by the Federal Insurance Administration, a normal depth analysis or other equivalent engineering analysis that identifies the location of the floodway and demonstrates to the satisfaction of the Director of Public Works that the structure will not be located within the floodway or be subject to inundation by the 100-year storm. The following information is required to determine the flood elevation and the location of the floodway, except where waived or modified by the Director of Public Works:
  - a. Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway.
  - b. Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile level.
  - c. A profile showing the slope of the bottom of the channel or flow line of the stream.
  - d. Any previously determined flood data available from any state, federal or other source.

**D. Construction standards.** New structures or any improvement / repair to an existing structure (including manufactured homes) where the value proposed is more than 50 percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

**1. Construction, general.**

- a. No construction or grading shall limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the Director of Public Works. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.
- b. Structures shall be anchored to prevent collapse, lateral movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.
- c. Service facilities such as electrical and heating equipment shall be floodproofed or constructed at minimum of one-foot above the 100-year storm flood profile level for the site.

- d. Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems into flood waters.
- e. On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.
- f. All buildings or structures shall be located landward of mean high tide.
- g. Whenever a watercourse is to be altered or relocated, the Department shall notify adjacent communities and the Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.
- h. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- i. On the basis of structural plans and the depth analysis, the lowest floor of all structures shall be constructed at a minimum of one-foot above the 100-year storm flood profile level. Within any AO zone on the Flood Insurance Rate maps, this elevation shall be determined by adding one foot to the depth number specified. If no depth is specified, structures shall be elevated a minimum of two feet above adjacent natural grade.
- j. Non-residential construction shall either be elevated in conformance with Subsection D.1.i, or together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be floodproofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of floodproofing include, but are not limited to:
  - (1) Installation of watertight doors, bulkheads, and shutters.
  - (2) Reinforcement of walls to resist water pressure.
  - (3) Use of paints, membranes, or mortars to reduce seepage through walls.
  - (4) Addition of mass or weight to structure to resist flotation.

- (5) Armor protection of all fill materials from scour and/or erosion.
  - k. All structures subject to inundation shall use flood resistant materials up to one foot above base flood elevation.
2. **Storage and processing.** The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect floodway capacity or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
3. **Coastal High Hazard areas.:** The following requirements shall apply to new structures or any improvement / repair to an existing structure as specified in Subsection D., in areas identified as having special flood hazards extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters including coastal and tidal inundation or tsunamis as established on the maps identified in subsection A.:
- a. All buildings or structures shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
  - b. All new construction and other development shall be located on the landward side of the reach of mean high tide.
  - c. All buildings or structures shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
  - d. Fill shall not be used for structural support of buildings.
  - e. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
  - f. The Director and/or the Public Works Director shall obtain and maintain the following records.
    - (1) Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a

- (2) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all buildings and structures, and whether such structures contain a basement.
- 4. Certification of compliance.** The following certifications shall be filed with the Building Official prior to final building inspection:
  - a. Upon completion of any structure within a FH combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or a licensed land surveyor. Such certification shall include as a minimum the elevation of the lowest floor. If the structure has been floodproofed in conformance with Subsection D.1.j, the certification shall include the elevation to which the structure has been floodproofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.
  - b. Where floodproofing is used, a registered civil engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
  - c. Compliance with the structural design requirements within Coastal High Hazard Areas stated in Subsection D.3. shall be certified by a registered civil engineer, or architect.
- 5. Exceptions to construction standards.** The standards of this Section may be waived or modified by the Board of Supervisors through the variance procedure set forth in Code of Federal Regulations, Title 44, Chapter 1, Section 60.6, instead of through the adjustment process in Section 22.70.030. Requests for such waivers or modifications shall be filed with County Public Works for processing. Procedures for the granting of variances under Title 44 are available from County Public Works.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1995, Ord. 2741; 2004 Ord. 3024]  
[22.07.060 to 066]

## 22.14.070 - Geologic Study Area (GSA)

**A Purpose.** The Geologic Study Area (GSA) combining designation is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:

1. **Seismic hazard.** Areas of seismic (earthquake) hazard are identified through application of an Earthquake Fault Zone. Earthquake Fault Zones are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo Earthquake Fault Zones Act), and are identified in the Land Use Element (Part II);
2. **Landslide hazard.** Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderately high to high landslide risk, and rural areas subject to high landslide risk;
3. **Liquefaction hazard.** Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderate to high soil liquefaction.

**B. Applicability of GSA standards.** The standards of this Section apply to all land uses for which a permit is required, except:

1. One single-family residence, not exceeding two stories, when not constructed in conjunction with two or more residences by a single contractor or owner on a single parcel or abutting parcels, unless the site is located in an area subject to liquefaction or landslide.
2. Any agricultural use not involving a building, and any agricultural accessory structure.
3. Alterations or additions to any structure, the value of which does not exceed 50 percent of the assessed value of the structure in any 12-month period.

**C. Application content - Geology and Soils Report required.** All land use permit applications for projects located within a GSA (except those exempted by Subsection B.) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. The report shall identify, describe and illustrate, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this Section. Provided, however, that no report is required for an application located in an area for which the County Engineer determines that sufficient information exists because of previous geology or soils reports. Where required, a geology report shall include:

1. A review of the local and regional seismic and other geological conditions that may significantly affect the proposed use.

2. An assessment of conditions on or near the site that would contribute to the potential for the damage of a proposed use from a seismic or other geological event, or the potential for a new use to create adverse effects upon existing uses because of identified geologic hazards. The conditions assessed shall include, where applicable, rainfall, soils, slopes, water table, bedrock geology, and any other substrate conditions that may affect seismic response, landslide risk or liquefaction potential.
3. Conclusions and recommendations regarding the potential for, where applicable:
  - a. Surface rupture or other secondary ground effects of seismic activity at the site;
  - b. Active landsliding or slope failure;
  - c. Adverse groundwater conditions;
  - d. Liquefaction hazards.
4. Recommended building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic damage, landslide, groundwater and liquefaction to insignificant levels.

**D. Review of geology report.** As required by California Code of Regulations, Title 14, Section 3603, the geology and soils report required by Subsection C. shall be evaluated by a geologist retained by the county who is registered in the State of California. Within 30 days of the acceptance of such report, the Director shall file one copy with the State Geologist. [Added 1992, Ord. 2553]

**E. Geologic Study Area special standards.** All uses within a GSA shall be established and maintained in accordance with the following, as applicable:

1. **Grading.** Any grading not otherwise exempted from the permit requirements of Chapter 22.52 (Grading) shall be performed as engineered grading under the provisions of those sections.
2. **Seismic hazard areas.** As required by California Public Resources Code Section 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an Earthquake Fault Zone.

[Amended 1986, Ord. 2250; 1992, Ord. 2553; 1995, Ord. 2741] [22.07.080 to 086]

## 22.14.080 - Historic Site (H)

- A. Purpose.** The Historic Site (H) combining designation is applied to recognize the importance of archeological sites and historic sites, structures and areas important to local, state, or national history. These standards are intended to protect archeological resources, historic structures and sites by requiring new uses and alterations to existing uses to be designed with consideration for preserving and protecting these resources.
- B. Minimum parcel size.** The minimum size for a new parcel with an established structure and Historic Site combining designation shall be determined by Conditional Use Permit. Any parcel where the historic structure is located that is less than the minimum or what would otherwise be required for the applicable land use category can only be transferred to a valid tax-exempt charity under Internal Revenue code section 501(c)(3) or a public agency.
- 1. Application content.** The Conditional Use Permit application shall be accompanied by a statement from the applicant explaining why it is necessary to separate the existing historic structure from the surrounding ownership, and how such separation will support the restoration or continuation of the historic structure.
  - 2. Residential use prohibited.** No residential use shall be established on the parcel where the historic structure is located if that parcel is smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category.
  - 3. Non-profit organization.** If the parcel where the historic structure is located is smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category, that parcel shall only be transferred to a valid tax-exempt charity under Internal Revenue code section 501(c)(3) or a public agency. Evidence shall be submitted in the form of a letter from the Internal Revenue Service verifying the organization is a valid non-profit organization prior to recordation of a final or parcel map. In addition, a letter of intent to accept title from the valid non-profit organization or public agency shall be submitted prior to recordation.
  - 4. Declaration of restrictions required.** Prior to, or concurrent with, recordation of a final or parcel map, the applicant shall execute and record a declaration of restrictions in a form approved by County Counsel, wherein the applicant agrees on their own behalf and all successors in interest to the parcel that, they will not request approval of or establish any residential use on the parcel. In addition, the declaration of restrictions shall specify that any parcel smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 shall not be sold except to a valid non-profit organization or public agency. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board.

5. **Required findings.** No parcel smaller than the minimum parcel size or what would otherwise be required by Chapter 22.22 for the applicable land use category shall be approved pursuant to this section unless the Review Authority first finds that the parcel meets the minimum site area provisions in Chapter 22.22 that the proposed parcel being smaller than the surrounding holdings will have no adverse effect on the continuing use of parcels adjacent to and in the vicinity of the site, and that the applicant has demonstrated the division will support the restoration or continuation of the historic structure. [Added 1999, Ord. 2880]

**C. Permit and processing requirements.** The following standards apply to all development proposals within an H combining designation.

1. **Minor Use Permit required.** Minor Use Permit approval is required for all new structures and uses within an H combining designation, and also for any modifications to existing historic structures within an H combining designation, including restoration or alteration that changes the historic or architectural character of the structure, demolition or relocation, except for minor exterior or interior alterations that do not materially change the historic character of the structure.
2. **Application content.** Applications for projects within an H combining designation shall include a description of measures proposed to protect the historic resource identified by the Land Use Element (Part II).
3. **Environmental determination.** The initial study shall evaluate the potential effect of the proposed project upon the visual character of the historic site or district, and evaluate the other direct and indirect effects of the new construction upon the actual archeological resources or historic structures.
4. **Required findings for approval.** A land use permit application within an H combining designation shall be approved only where the Review Authority first makes all the following findings, where applicable:
  - a. **Archeological resources.** Where an H combining designation is applied to identify areas of archeological resources (historic and prehistoric), project approval shall require the following findings:
    - (1) The site design and development as finally proposed incorporates adequate measures to ensure the archeological resources will be acceptably and adequately protected; or
    - (2) Where site design and development proposals cannot feasibly be changed, and intrusion into or disturbance of historic or prehistoric archeological resources will result, that construction will use appropriate methods to protect the integrity of the site, including possible relocation of graves and artifacts.
  - b. **Historic structures, landmarks and districts.** Where an H combining designation is applied to identify historic structures, landmarks, or districts, project approval shall require the following findings:

- (1) The height, bulk, location, structural materials, landscaping and other aspects of the proposed use will not obstruct public views of the historic structure or of its immediate setting;
- (2) Any proposed alteration or removal of structural elements, or clearing of landscaping or natural vegetation features will not damage or destroy the character of significant historical features and settings;
- (3) Any proposed remodeling or demolition is unavoidable because it is not structurally or economically feasible to restore or retain existing structures or features.

[Amended 1986, Ord. 2250; 1994, Ord. 2696; 1999, Ord. 2880] *[22.07.100 to 102]*