

- 2. Minimum access.** A secondary dwelling is allowed only on a site that has frontage:
- a. On a road or private easement that is maintained by the County, State or special district;
 - b. On a road that is offered for dedication to the public and is surfaced with chip seal or better; or
 - c. On a private easement that is surfaced with chip seal or better.

For the roads or easements described in Subsections C.2.b or C.2.c, the access shall be maintained through organized maintenance, such as a road maintenance agreement or homeowners association.

D. Application content. In addition to the information required by Section 22.62.030, information submitted with the Zoning Clearance application shall also indicate whether or not there are conditions, covenants or restrictions applicable to the site that would prohibit a secondary dwelling. This information will not be grounds for county denial of a permit.

E. Minimum site area. A secondary dwelling may be allowed only on sites with the following minimum areas:

1. 6,000 square feet for sites served by community water and sewer facilities;
2. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance; or
3. One acre (gross) where community water and on-site sewage disposal are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied.

Except that where a larger minimum site area requirement is established by planning area standards (Article 9), the larger area shall be required.

F. Design standards.

- 1. Within the Residential Single-Family category.**
 - a. The maximum floor area of a secondary dwelling shall be 640 square feet, except that such area may be increased to a maximum of 800 square feet (exclusive of any garage) where the site satisfies the requirements of Subsection F.1.b.

- b. The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:
 - (1) Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or
 - (2) Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or
 - (3) Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.

In these cases the secondary dwelling may be detached if it employs an exterior design style compatible with the primary dwelling and is located on the rear of the site, provided that no more than 50 percent of the site shall be covered by structures.

- c. Entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.

2. Other allowed land use categories.

- a. The maximum floor area of a secondary dwelling shall be 800 square feet, except that such area may be increased to a maximum of 1200 square feet (exclusive of any garage) where the site satisfies the requirements of Subsections F.2.b.
- b. The secondary dwelling shall be permanently attached by a common wall to, or located within 50 feet of, the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:
 - (1) Where the site is two acres (net) or larger and the site is served by community water or sewer; or
 - (2) Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.

In these cases the secondary dwelling may be detached from the primary dwelling but shall be of a design style compatible with the existing primary dwelling. For sites of 20 acres or larger in residential categories, the secondary dwelling shall be located within 500 feet of the primary dwelling. For sites less than 20 acres, the secondary dwelling shall be located within 250 feet of the primary dwelling. An attached secondary dwelling shall comply with the design provisions of Subsection F.1.c.

- 3. Exceptions to design standards.** The Review Authority may approve alternatives to the design standards of Subsections F. and C.2 in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section.
- G. Parking.** A secondary dwelling shall be provided one off-street parking space in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

[Added 1985, Ord. 2211; Amended 1986, Ord. 2251; 1988, Ord. 2344; 1992, Ord. 2539, 2553; 1994, Ord. 2696; 1995, Ord. 2714; 1995, Ord. 2741] *[22.08.169]*

22.30.480 - Residential Uses in the Agriculture Land Use Category

Dwellings in the Agriculture land use category, including primary housing and farm support quarters are allowed accessory uses on the same site as an agricultural use, subject to the standards of this Section. These dwellings may include mobile homes, subject also to the standards in Section 22.30.450 (Residential - Mobile Homes).

- A. Primary housing.** A parcel in the Agriculture category may be used for two primary dwellings, as follows:
1. **Permit requirements.** Zoning Clearance is required for each of the first two dwellings. Additional dwellings are subject to the provisions of Subsection B. (Farm Support Quarters).
 2. **Density.** Primary dwellings in the Agriculture category are allowable at a ratio of one primary unit for each legal parcel, as defined in Chapter 22.11 (Definitions - Parcel), and one additional primary unit on legal parcels of 20 acres or larger. On legal parcels smaller than 20 acres but at least one acre, an additional unit may be allowed subject to the provisions of Section 22.30.470. More than two dwellings per legal parcel shall satisfy all provisions of Subsections B. and C. (Farm Support Quarters).
- B. Farm support quarters - Single family dwellings and mobile homes.** Includes farm or ranch housing for farm help or a caretaker employed on land in the same ownership as the housing. Farm support quarters are allowable in the Agriculture and Rural Lands categories only when the housing is in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner, subject to the following standards.
1. **Permit requirements.** Zoning Clearance for the first farm support unit, Site Plan Review for subsequent units, unless the number of proposed farm support quarters exceeds the number indicated in the allowable density table in Subsection B.5, or Minor Use Permit or Conditional Use Permit approval would otherwise be required by planning area standards of Article 9, or other applicable provision of this Title.
 2. **Application content.** The application shall include explanation and documentation of the need for farm support quarters. The magnitude of existing agricultural activities to be supported by the proposed farm support quarters must be described, as well as the number of employees necessary to conduct the agricultural operations.
 3. **Criteria for approval.** The applicant shall demonstrate that the number of employees for which housing is proposed is consistent with the allowable density table in Subsection B.5, or that a greater number of farm support quarters is necessary to support the existing agricultural activity. The demonstration of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation, or by citing examples of employees used by other agricultural operations of similar size and products.

4. **Status of residents.** Occupancy of farm support quarters in the form of single family dwellings or mobile homes is limited to the full-time employees and the spouse and children of full-time employees of agricultural or ranching operations conducted by the owner of the farm support housing, or lessor of the housing owner's acreage. Farm support quarters are not to be rented or leased to individuals other than farm help and their families. An agreement between the property owner and the County limiting occupancy to farm workers shall be executed and recorded prior to building permit issuance.

5. **Density.** The maximum allowable density of single family dwellings mobile homes used as farm support quarters shall be as follows:

Maximum Allowable Density of Single Family Dwellings or Mobile Homes Used as Farm Support Quarters, Based on Agricultural Land Use	
Agricultural Land Use	Maximum Allowable Density (1)(2)
Beef and dairy feedlots	One unit per 50 dairy cows, or one unit per 100 beef cattle
Fowl and poultry ranches	One unit per 20,000 broiler chickens, or one unit per 15,000 egg-laying hens, or one unit per 3,000 turkeys
Hog ranches	One unit per 50 hogs
Horse ranches and equestrian facilities	One unit per 15 brood mares, or one unit per 30 horse boarding stalls, or one unit per riding school or exhibition facility
Kennels	One unit per 40 dog pens or cages
Animal hospitals and veterinary facilities	One unit per facility
Nurseries	One unit per acre of propagating greenhouse or 3 acres of field-grown plant materials
Irrigated row crops, specialty crops, orchards and vineyards	One unit per 20 acres in crops
Irrigated pasture, field crops, grain and hay	One unit per 30 acres in crops
Dry farm orchards, vineyards, beans and specialty field crops	One unit per 40 acres in crops
Grazing	One dwelling per 320 acres grazing land

Notes:

1. The density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director to be equivalent to those specified in this table.
2. The density of single family dwellings or mobile homes as farm support quarters is based on the amount of agricultural activities occurring on the site, and unless authorized by Minor Use Permit or Conditional Use Permit approval, the number of single family dwellings or mobile homes established as farm support quarters cannot exceed one per 20 acres of site area or a total of 4 dwellings per site.

6. **Sale of farm support quarters.** The site of farm support quarters shall not be separated from contiguous property in the same ownership by sale or land division unless a Conditional Use Permit (Section 22.62.060) has been first approved, with the Review Authority making the following findings, in addition to the findings in Section 22.62.060.C.4 (Conditional Use Permit -Required Findings):
 - a. The proposed reduction of the total acreage of the ownership will not affect its continuing use as a productive agricultural unit; and
 - b. The proposed reduction of the ownership size will not encourage population increases in the surrounding area incompatible with continuing agricultural operations.
 7. **Parking.** Off-street parking must be provided at a ratio of one space per dwelling established as farm support quarters.
 8. **Mobile homes.** The use of a mobile home for farm support quarters shall satisfy the standards of Section 22.30.450 (Residential - Mobile Homes).
- C. Farm support quarters - Group quarters.** The use of group quarters facilities such as dormitories or bunkhouses and mess halls for farm support quarters is allowable in the Agriculture and Rural Lands categories only when the farm housing is in direct support of existing agricultural production activities on the site and other lands within approximately five miles of the site, subject to the following standards:
1. **Permit requirement.** Site Plan Review if the proposed group quarters incorporates pre-approved floor plans and architectural elevations provided by the Planning and Building Department and complies with the site design standards in Subsections C.4 through C.7. Group quarters proposals that do not include pre-approved plans and elevations or which do not meet one or more of the site design standards in Subsections C.4 through C.7 may be authorized through Minor Use Permit approval.
 2. **Application content.** The application shall include explanation and documentation of the need for farm support quarters. The magnitude of existing agricultural activities on the site and within five miles of the site to be supported by the proposed farm support quarters must be described, as well as an estimate of the number of employees necessary to conduct the agricultural activities. This documentation may be in the form of letters from owners or operators of those agricultural activities.
 3. **Criteria for approval.** The applicant shall demonstrate that the number of employees for which housing is proposed is consistent with the allowable density table in Subsection C.4, or that more agricultural employees are necessary to support the existing agricultural activity. The demonstrations of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation, or by citing examples of employees used by other agricultural operations of similar size and products.

4. **Maximum occupant capacity.** The maximum occupant capacity of a group quarters facility shall be set according to the amount of land in existing agricultural production within approximately five miles of the site, based on written statements from the owners or lessors of those lands. The maximum capacity of a group quarters facility, in terms of the number of persons potentially housed, shall not exceed the number of persons specified in the following table.

Maximum Occupant Capacity of Group Quarters Structures Used as Farm Support Quarters	
Agricultural Land Use	Maximum Capacity in Persons (1) (2) (3)
Beef and dairy feedlots	One person per 50 dairy cows, or one person per 100 beef cattle
Fowl and poultry ranches	One person per 20,000 broiler chickens, or one person per 15,000 egg-laying hens, or one person per 3,000 turkeys
Hog ranches	One person per 50 hogs
Horse ranches and equestrian facilities	One person per 15 brood mares, or one person per 30 horse boarding stalls
Kennels	Not allowed
Animal hospitals and veterinary facilities	Not allowed
Nurseries	Not allowed
Irrigated row crops, specialty crops, orchards and vineyards	One person per acre in crops
Irrigated pasture, field crops, grain and hay	One person per 15 acres in crops
Dry farm orchards, vineyards, beans and specialty field crops	One person per 20 acres in crops
Grazing	One person per 320 acres grazing land

Notes:

1. The density of farm support quarters for other agricultural uses, or combinations of uses, may be determined by the Director to be equivalent to those specified in this table.
2. The density of group quarters facilities as farm support quarters is based on the amount of agricultural activities occurring on the site and within approximately five miles of the site, supported by letters from the owners or operators of those agricultural activities.
3. Unless authorized by Minor Use Permit or Conditional Use Permit approval, the maximum occupant capacity of group quarters facilities as farm support quarters is limited to 20 persons.

5. **Setbacks.** No part of the group quarters farm housing shall be closer than 50 feet to any street property line, 60 feet to any other property line, 40 feet to any other structure, or 75 feet to any barns, pens or other facilities for livestock or poultry, or 100 feet from the centerline of streams shown on USGS Topographic Maps with blue lines.

6. **Parking.** Off-street parking must be provided at a ratio of one space per four persons potentially housed in the group quarters. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
 7. **Minimum site area.** 20 acres.
 8. **Status of residents.** Occupancy of farm support group quarters is limited to the full-time or full-time seasonal employees and the spouse and children of full-time employees of agricultural or ranching operations. Farm support quarters are not to be rented or leased to individuals other than farm help and their families. An agreement between the property owner and the County limiting occupancy to farm workers shall be executed and recorded prior to building permit issuance.
 9. **Federal and State requirements.** Any farm support quarters accommodating five or more agricultural employees (not necessarily all employed by the owner of the farm support quarters) must also comply with applicable state and federal laws and regulations regarding construction, operation and occupants of the housing. The applicable laws and regulations include, but are not limited to, Part 20, Section 654 of the Code of Federal Regulations (20 CFR 654) and Section 17010 et seq of the California Health and Safety Code, copies of which are available at the County Department of Planning and Building.
- D. Clustered units - Reversion to acreage required.** Where an ownership of multiple, legally-created lots of record is entitled to multiple dwellings in compliance with Subsections A., B. or C., the owner may group the dwellings on a single lot of the ownership rather than on each of the various lots entitled to the dwellings, provided that an approved reversion to acreage shall be obtained within six months of the effective date of the first land use permit for new housing (and before issuance of a building permit), to consolidate with the building site all legal parcels from which housing entitlements have been transferred. In the event that such reversion to acreage is not obtained, the land use permit(s) for the housing shall become void.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1985, Ord. 2211; 1992, Ord. 2539, 2553] [22.08.167]

22.30.490 - Residential Uses in Office or Commercial Retail Land Use Category

Single family and multi-family dwellings in the Office and Professional or Commercial Retail categories are subject to the standards of this Section; except for caretaker residences, which are subject to Section 22.30.430.

- A. Limitation on use.** Except where prohibited by planning area standards (Article 9), new single-family or multi-family dwellings are allowed in an Office and Professional or Commercial Retail category, provided that they comply with the following requirements.
1. The units shall be subordinate to the primary commercial or office use of the site, located on either the second floor and/or rear of the site, and structurally attached to the main building. The first floor or front part of the building shall be used for the principal office or retail uses.
 2. Single-family or multi-family residential development may be authorized as a principal use through Minor Use Permit or Conditional Use Permit approval in a Commercial Retail or Office and Professional category only if provisions to do so are included in the applicable planning area standards in Article 9.
- B. Permit requirement.** A residential use may be authorized in compliance with this Section subject to the same land use permit required by Section 22.06.030 for the principal use of the site; except that where Section 22.06.030 would require a higher permit level for the residential use, the higher permit shall be required.
- C. Existing uses.** In an Office and Professional or Commercial Retail category, a detached single-family dwelling which is the principal use of its site may be continued as residential use as set forth in Section 22.72.050 (Nonconforming Uses of Land).
- D. Required findings for permit approval.** The approval of a Minor Use Permit or Conditional Use Permit for a proposed residential use shall require that the Review Authority first find that the proposed residential use will not:
1. Significantly reduce the community inventory of office or commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element; or
 2. Impede the continuing orderly development of community shopping and office areas with office and other commercial uses.
- E. Minimum site area and density.** To be as required by Section 22.04.084 (Residential Density - Multi-Family Dwellings), or applicable planning area standards (Article 9).

F. Parking.

1. When a commercial or office and residential use are located on the same site, the number of parking spaces provided shall be 80 percent of the total required for each residential and commercial or office use by Chapter 22.18 (Parking and Loading Standards).
2. All parking for a residential use in a Commercial Retail or Office and Professional category shall be located on-site.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1986, Ord. 2256, 2269; 1992, Ord. 2539, 2553; 1994, Ord. 2696] [22.08.162]

22.30.500 - Residential Uses in the Recreation Land Use Category

A residential use identified as allowable in the Recreation land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements) is subject to the standards of this Section, except for caretaker residences (see Section 22.30.430).

A. Permit requirement.

1. **Principal use.** Multi-family units proposed as the principal use of a site in a Recreation category require Minor Use Permit approval, unless Section 22.08.030 (Project-Based Permit Requirements) would otherwise require Conditional Use Permit approval.
2. **Secondary use.** Residential units secondary to a commercial use allowed in the Recreation category are subject to the permit requirements of Section 22.08.030 for residential uses.

B. Minimum site area and density: To be as required by Section 22.10.130 (Residential Density - Multi-Family Dwellings), or applicable planning area standards (Article 9).

[Added 1982, Ord. 2091; amended 1986, Ord. 2250; 1992, Ord. 2539, 2553] [22.08.168]

22.30.510 - Roadside Stands

These standards apply to the retail sale of agricultural products except hay, grain and feed, in open structures constructed for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.

A. Limitation on use.

1. **Residential Suburban category.** When temporary stands are located in the Residential Suburban category, at least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Products from adjacent contiguous properties, not owned or leased by the owner of the site on which the stand is located, may make up the remaining 50 percent. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is not permitted. Permanent roadside stands are not allowable in the Residential Suburban category.
2. **Agriculture, Rural Lands, Residential Rural or Recreation categories.** At least 50 percent of all agricultural products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is limited to agricultural-related items and packaged food, which are not to exceed 10 percent of all products for sale.
3. **Temporary stands.** A temporary roadside stand is a facility where retail sales are conducted for a period less than 120 days per year. A temporary stand that becomes vacant or unused for a period exceeding 60 days shall be entirely removed from the site, or authorized as a permanent stand, unless otherwise authorized by the land use permit approval. Re-establishment of a temporary stand previously authorized by a land use permit does not require a new permit, provided that all structures and parking areas are exactly as originally approved, and a building permit is obtained if required by the Building and Construction Ordinance (Title 19 of the County Code).

B. Notice and hearing requirements.

1. **Public notice.** For permanent stands in the Residential Rural land use category or any stand in the Recreation land use category, notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.2.
2. **Public hearing.** No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection B.1. If a public hearing is requested, the roadside stand shall be subject to Minor Use Permit approval and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

C. Location. A roadside stand in a residential category shall have frontage on a collector or arterial road. A roadside stand in other than residential categories may be located on a local road or private easement.

D. Sales area limitation. The floor area of the structure and any outdoor display area shall be limited to a total of 500 square feet, unless otherwise authorized by Minor Use Permit approval.

E. Setback and parking requirements.

Type of Stand	Minimum Setback and Parking Requirements		
	Front Setback	Side and Rear Setbacks	Parking (1)
Temporary	10 foot (2) OR 25 foot (3)	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	3 off-street spaces
Permanent	50 foot	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	5 off-street spaces (5)

Notes:

1. Parking shall be located outside of the public road right-of-way.
2. Except when parking is proposed in front of a stand.
3. When parking is proposed in front of a stand to assure safe parking in front of or nearby the stand.
4. If it is not possible to maintain 400 feet from a dwelling outside of the ownership of the applicant, an adjustment in compliance with Section 22.70.030 may be granted to reduce the setback to no less than 100 feet.
5. Located in an off-street area accessed by a driveway a minimum of 18 feet wide. The parking area for a permanent stand shall be surfaced with crushed rock, chip seal or paving.

[Amended 1994, Ord. 2696; 1999, Ord. 2880] [22.08.056]

22.30.520 - Rural Recreation and Camping

- A. Camping.** Permanent organizational group camps sponsored by a church, youth group, corporation or other organization, or camping that is seasonal and incidental to an agricultural use, are subject to the following provisions. (Commercial campgrounds as principal uses are subject to Section 22.30.300 (RV Parks); temporary camps are subject to Chapter 8.64 of the County Code (Temporary Camps).
1. **Limitation on use.** Organizational camps are allowed only in the Rural Lands, Recreation, and Public Facilities categories. Incidental camping is allowed in the Agriculture category as well as where organizational camps are allowed.
 2. **Permit requirements.** A Health Department permit shall be required in compliance with Chapter 8.62 of the County Code, in addition to the land use permit required by Section 22.06.030.
 3. **Minimum site area.** As specified in Chapter 22.22 (Subdivision Design).
 4. **Density.** To be set by the Review Authority where Conditional Use Permit or Minor Use Permit approval is required, to a maximum of one unit per acre, which is also to be the maximum density for incidental camping of less than 10 units.
 5. **Setbacks.** All camping facilities and activities shall occur no closer than 1,000 feet from any property line or public road.
 6. **Parking.** No improved parking is required for incidental camping, provided that sufficient usable area is available to accommodate all user vehicles entirely on-site. The parking requirement for organizational camps shall be determined by the Conditional Use Permit approval.
 7. **Access.** All-weather access shall be provided to the site.
 8. **Allowed facilities.** Camps established in compliance with this Section may include the following facilities in addition to tent camping areas, based on the type of camp:
 - a. **Organizational camps.** Cabins; meeting hall; swimming pool; permanent restroom facilities; accessory and storage buildings.
 - b. **Incidental camping.** Water supply and portable restrooms only. Incidental camping uses may also include spaces for a maximum of 10 self-contained recreational vehicles, without utility hookup facilities.
 9. **Sanitation.** Restroom facilities shall be provided as required by the Health Department.
 10. **Required findings - incidental camping.** A land use permit for incidental camping shall be approved only where the Review Authority first finds that:
 - a. The proposed use will not affect the continuing use of the site as a productive agricultural unit providing food or fibre; and

- b. The proposed use will result in no effect upon the continuance or establishment of agricultural uses on surrounding properties.
- B. Dude ranches.** A dude ranch is a commercial transient guest occupancy facility incidental to a working ranch, which may include common eating and drinking and recreation facilities subject to the provisions of this Subsection, provided that these facilities shall be used by lodging facility guests only, and not made available to the general public for day use.
1. **Limitation on use.** Dude ranches are not to be established in a residential category.
 2. **Permit requirement.** Conditional Use Permit approval.
 3. **Application content.** To include a description of recreational facilities and activities to be offered, and an explanation of the relationship between the recreational use and continuing agricultural uses.
 4. **Minimum site area.** 160 acres, except that where a proposed facility has obtained a recorded right of access and use of adjoining property for recreational purposes, the Commission may reduce the minimum site area as part of the Conditional Use Permit approval.
 5. **Setbacks.** All facilities shall be located no closer than 500 feet from any property line or public road.
 6. **Coverage.** The aggregate area occupied by all structures and facilities established for the dude ranch (including all roads, parking areas, lodging and support facilities dedicated to the dude ranch use) shall not exceed two percent of the total site area.
 7. **Lodging facilities.**
 - a. **Type of facilities allowed.** Dude ranch facilities may be authorized by the Commission to be attached, motel-type units or detached cabins, provided that they include no cooking or eating facilities.
 - b. **Occupancy.** Lodging facilities shall be rented only to guests which will also use other dude ranch facilities. Dude ranch lodgings are not to be used for RV park or motel-type overnighters.

- c. **Density.** The density of guest lodgings shall be established by the Commission, with the total number of units to be based upon the capability of the ranching activities to continue without interference from guest activities, provided that the maximum density of lodging facilities shall be no more than one guest unit for each five acres in the Agriculture category, and one guest unit per acre in other categories.
- 8. **Parking requirement.** To be set through Conditional Use Permit approval.
 - 9. **Required findings.** A Conditional Use Permit for a dude ranch in the Agriculture land use category shall be approved only where the Commission makes the following findings in addition to those required by Section 22.62.060.C.4:
 - a. The proposed use will not substantially affect the continuing use of the site as a productive agricultural unit providing food or fibre; and
 - b. The proposed use will result in no substantially adverse effect upon the continuance or establishment of agricultural uses on surrounding properties.

Where located in other than in an Agriculture category, the only required findings are those in Section 22.62.060.C.4.

- C. **Health resorts and bathing.** Commercial health resorts, outdoor hot springs, spas, or hot tub rental operations that are operated as a principal use, and transient lodging facilities accessory to such use, are subject to the following:
 - 1. **Limitation on use.** Health resorts and bathing facilities are not allowed in a Residential Suburban category, and are not allowed in the Agriculture land use category unless the facility is dependent upon a natural on-site resource such as a lake or hot springs.
 - 2. **Permit requirement.** Conditional Use Permit approval, in addition to a Health Department permit as required by Chapter 8.60 of the County Code.
 - 3. **Minimum site area.** 10 acres in the Agriculture and Rural Lands categories; five acres in other rural categories; one acre when located within an urban or village reserve line.
 - 4. **Parking.** Two spaces per hot tub or spa; and one space per 100 square feet of swimming pool area. Where lodging units are included, additional spaces shall be provided at a ratio of one space per lodging unit.
 - 5. **Sanitation and water disposal.** The provision of sanitary facilities and the disposal of wastewater from hot tubs or pools shall be in compliance with requirements established by the Health Department, and by the Regional Water Quality Control Board in compliance with Section 22.10.190 (Regional Water Quality Control Board Review).

D. Hunting and fishing clubs.

1. **Limitation on use.** Hunting and fishing clubs shall be located only in the Agriculture, Rural Lands and Recreation categories.
2. **Permit requirement.** Site Plan Review.
3. **Location.** Hunting activities shall be limited to areas no closer than one-half mile from any residential category or residential use other than that of the applicant.
4. **Setbacks.** Any membership hunting facilities and activities shall be located no closer than 1,000 feet from any property line or the public road. No limitation on the location of fishing activities other than required for structures by Section 22.10.140 (Setbacks) or other provisions of this Chapter.
5. **Camping and lodging.** Allowable only if authorized in compliance with Subsection A. (Camping), or Section 22.30.300 (Lodging - Recreational Vehicle Parks), including the permit requirements of those sections.
6. **Parking requirement.** No improved parking is required, provided that sufficient usable area is made available to accommodate all employee and user vehicles entirely on site, unless other requirements are set through Conditional Use Permit approval.

F. Sport shooting facilities. Establishments providing an outdoor shooting range for pistol or rifle target practice, skeet shooting, trap shooting, archery or similar facilities open to the public, members of a club, or public safety agency are subject to the following:

1. **Limitation on use.** Outdoor sport shooting facilities are allowed only in the Agriculture, Rural Lands and Public Facility categories.
2. **Permit requirement.** Conditional Use Permit approval.
3. **Location.** Outdoor sport shooting facilities except for archery shall be located no closer than one mile to any urban or village reserve line or residential land use category; and no closer than one-half mile from any residential use on an adjoining lot.
4. **Minimum site area.** Five acres.
5. **Parking requirement.** To be set through Conditional Use Permit approval.
6. **Noise control.** The proposed use must satisfy the requirements of Section 22.10.120 (Exterior Noise Standards) for the Residential Suburban and Recreation categories, regardless of the land use category in which the range is located.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1986, Ord. 2290; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741] [22.08.072]

22.30.530 - Sales Lots and Swap Meets

Outdoor sales lots and swap meets are allowed in the Commercial Service and Industrial categories subject to the provisions of this Section. (Wrecking yards are subject to Section 22.30.380 - Recycling and Scrap.)

- A. Sales lots.** May be conducted as a principal use (as in the case of a used car lot), or as an accessory use (such as a sales yard in conjunction with a building materials store), subject to the following.
- 1. Permit requirement.** As determined by Section 22.08.030 (Project-Based Permit Requirements - Outdoor Storage Uses), except when a sales lot is accessory to a use that is otherwise required to have a higher permit.
 - 2. Site design standards.**
 - a. Displays.** Displays shall be limited to street frontages only. All other property lines shall be screened in compliance with Subsection A.2.d. All signing shall comply with Chapter 22.20 (Sign Standards).
 - b. Parking requirement.** One space per 3,000 square feet of outdoor use area, one space per 300 square feet of office space.
 - c. Landscape planting.** A five foot wide planting strip shall be provided adjacent to all street property lines, consisting of ground-covering vegetation which may be maintained at a height less than three feet, with street trees located within the planting strip at 20-foot intervals. This is in addition to any landscape requirements of Chapter 22.16. (Landscaping).
 - d. Screening.** All interior property lines shall be screened with a six foot high solid wall or fence.
 - e. Office facilities.** When no buildings exist or are proposed on a sales yard site, one commercial coach may be used for an office, provided that such vehicle is equipped with skirting, and installed pursuant the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).
 - f. Site surfacing.** A sales lot shall be surfaced with concrete, A.C. paving, crushed rock, or other material maintained in a dust-free condition. All vehicle drive areas shall be paved with concrete, asphalt or crushed rock.
- B. Outdoor equipment rental yards with incidental ready-mix concrete.** Outdoor equipment rental yards which include incidental retail ready-mix concrete operations shall satisfy the requirements of Section 22.30.140.B, in addition to the provisions of Subsection A.

- C. Swap meets.** May be conducted only as a temporary use on the site of another use established in compliance with this Title in a Commercial Service or Industrial category, provided that such site is also in conformity with the standards of this Section.
1. **Location.** On an arterial, or on a collector which extends between two other collectors or arterials, provided that a swap meet shall not be located on a site that abuts a residential category.
 2. **Limitation on use.** The sale of vehicles is not permitted. Any sales of food items are subject to Health Department approval.
 3. **Site design standards.**
 - a. **Parking requirement.** As determined by the Review Authority.
 - b. **Restrooms.** Public restrooms shall be provided at a swap meet as required by the Health Department.
 - c. **Site surfacing.** Portions of a swap meet site used for sales activities, or pedestrian circulation shall be surfaced with concrete, asphalt, or planted with maintained lawn. Vehicle access and parking areas shall be surfaced in compliance with Chapter 22.18 (Parking and Loading). All site areas not otherwise used for buildings or vehicle circulation shall be landscaped.
 4. **Operation.** Swap meets shall be held during the daylight hours, on no more than two days out of every seven days. This standard may be modified through Conditional Use Permit approval where it is found that the proposed site will be provided with adequate permanent parking and restroom facilities, and that the surrounding area can sustain traffic volumes generated by a swap meet without adverse effects in the area.

[Amended 1987, Ord. 2330; 1992, Ord. 2553; 1993, Ord. 2648; 1999, Ord. 2880] [22.08.144]

22.30.540 - Schools

The provisions of this Section apply to public and private schools providing instruction for kindergarten through 12th grade children, and schools providing specialized education and training, where identified by Table 2-2 as being subject to the standards of this Section. Preschools and other child day care facilities are instead subject to Section 22.30.170 (Child Day Care Facilities).

A. Elementary and high schools.

1. **Limitation on use.** Schools in the Office and Professional category are limited to high schools.
2. **Location.** No closer than 1,000 feet to an Industrial or Commercial Service category or 500 feet from a Commercial Retail category.
3. **Parking.** Off-street parking shall be provided at a ratio of two spaces for each classroom, and one space for 100 square feet of administrative or clerical office space. Except that where Chapter 22.18 (Parking and Loading) would require more spaces for an on-site auditorium, stadium, gymnasium or other public or sports assembly facility, the larger number of spaces shall be provided. For all school facilities, parking lot turnover is low; loading bay intensity is low.

B. Specialized education and training schools.

1. **Limitation on use.**
 - a. **Agriculture category.** Specialized education and training schools are allowable in the Agriculture category only when the curriculum offered is primarily in subjects related to agriculture or forestry.
 - b. **Industrial category.** Specialized education and training schools are allowed in the Industrial category only when the curriculum offered is primarily in subjects related to industry and/or manufacturing..
2. **Parking.** Off-street parking shall be provided at a ratio of one space per seat in the largest classroom or instructional area, in addition to spaces required for any proposed auditorium by Chapter 22.18. Parking lot turnover is high; loading bay intensity is low.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1986, Ord. 2250; 1987, Ord. 2293; 1994, Ord. 2693, 2696] [22.08.074.a and b]

22.30.550 - Small-Scale Manufacturing

The establishment of a small-scale manufacturing use in an Agriculture, Rural Lands or Commercial Retail category is subject to the following standards:

A. Limitation on use.

1. **Commercial Retail category.** A small-scale manufacturing use shall not be located in a ground-floor store frontage in a Commercial Retail land use category except where the storefront is used for display and retail sale of the products of the manufacturing operation.
2. **Agriculture and Rural Lands categories.** Small-scale manufacturing in the Agriculture and Rural Lands categories is limited to establishments accessory or secondary to full-time farming or ranching operations on the same site, and which produce farm or ranch-related equipment, or small products sold off-site to supplement farm income. Such use shall be conducted entirely within a building, or in a yard area screened in compliance with Section 22.30.246.

B. Required findings. The approval of small-scale manufacturing in the Agriculture or Rural Lands land use category shall require that the Review Authority first find that the proposed manufacturing use will:

1. Be clearly secondary or accessory to a full-time farming or ranching operation on the same site; and
2. Not detrimentally affect the continuation of agricultural uses on the subject site and on surrounding properties.

[Amended 1981, Ord. 2063; 1992, Ord. 2553] *[22.08.099]*

22.30.560 - Storage Yards

Outdoor storage yards, including the storage of vehicles in other than a day use parking lot or garage, are allowed in the Commercial Service and Industrial categories subject to the provisions of this Section. The storage of vehicles in a public or commercial parking lot or garage is subject to Chapter 22.18 (Parking and Loading); the storage of wrecked or abandoned vehicles, or vehicles being dismantled, is subject to Section 22.30.380 (Recycling and Scrap), in addition to this Section.

- A. Limitation on use.** Storage yards in the Recreation land use category are limited to the storage of recreational vehicles and boats.
- B. Site design standards.**
1. **Access.** There shall be only one access point to a storage yard for each 300 feet of street frontage. Such access point shall be a maximum width of 20 feet, and shall be provided with a solid gate or door.
 2. **Screening.** A storage yard (except a temporary off-street construction yard) shall be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; provided that this requirement may be waived through adjustment (Section 22.70.030), when:
 - a. The side of a storage yard abuts a railroad right-of-way; or
 - b. The surrounding terrain would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.
 3. **Parking requirement.** None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.
 4. **Site surfacing.** A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, maintained in a dust-free condition.
 5. **Office facilities.** When no buildings exist or are proposed on a storage yard site, one commercial coach may be used for an office, provided that such vehicle is equipped with skirting, and installed in compliance with the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).
- C. Operation.** Materials within a storage yard shall not be stacked or stored higher than six feet, except where:
1. Materials stored are vehicles, freestanding equipment, or materials that are of a single piece that is higher than six feet; or

2. The storage yard site is an interior lot within an Industrial land use category that is not visible from a collector or arterial road and from outside the Industrial category; or
3. Screening requirements have been waived or modified in compliance with Subsection B.2; or
4. A higher wall or fence is constructed at the required setback line under an approved building permit and materials stored are not higher than the fence.

[Amended 1992, Ord. 2553] [22.08.146]

22.30.570 - Stores and Restaurants in Non-Commercial Categories

The provisions of this Section apply to restaurants, bars, and night clubs where allowed by Section 22.06.030 in other than the commercial land use categories.

A. Limitations on use.**1. Restaurants, bars, and night clubs.**

- a. Bars or other places selling alcoholic beverages for on-premise consumption as a principal use rather than being accessory to a restaurant are not allowed in residential and agriculture land use categories.
- b. Dancing and other entertainment activities normally secondary to a restaurant are not allowed in a residential land use category.
- c. A limited food service facility may be established in the Agriculture land use category where there is an existing conforming visitor-serving use (e.g.: winery, riding stable, health resort), and where the use is clearly incidental, related and subordinate in nature and size to the primary operation of the winery as a production facility or to the existing visitor-serving use where the use is not a winery. The limited food service facility shall be within the same structure as the wine tasting facility, or the winery facility where no tasting is proposed, or within the same structure as the visitor serving use where the use is not a winery.

B. Minimum site area. 6,000 square feet in urban areas; one acre in rural areas.

C. Location and access. In Residential categories, the site of a restaurant shall be located on a collector or arterial; the site of a store selling food or beverages for off-premise consumption shall be located at the intersection of two collectors, arterials or combination of both. Such uses may be sited on local streets in Recreation and Office and Professional categories. The site of a limited food service facility in the Agriculture category shall be located within 5 miles from an urban or village reserve line, and on or within one mile of an arterial or collector.

D. Hours of operation. The conduct of retail business in residential or agricultural areas is limited to the hours between 7:00 a.m. and 9 p.m. daily. A limited food service facility in the Agriculture land use category is restricted to the hours the wine tasting facility, or the winery facility where no tasting is proposed, or the visitor serving use where the use is not a winery, is open to the public.

E. Size of accessory restaurant. The size of a limited food service facility in the Agriculture category shall contain no more than 800 square feet of kitchen and dining area, including any outdoor dining area.

[Amended 1984, Ord. 2163; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741; 2001, Ord. 2942]
[22.08.208]

22.30.580 - Temporary Uses - General Standards

Temporary uses may include construction of permanent structures, grading, or other alteration of a site except the cutting of grasses or weeds, only when the temporary use occurs in conjunction with a construction project authorized by an approved land use or grading permit. [22.08.241]

22.30.590 - Temporary Construction Trailer Parks

This Section may allow the developer of a major rural area construction project to provide short-term construction employees the opportunity to use trailers and other recreational vehicles for housing during project construction, provided that such vehicles are located in a special occupancy park approved in compliance with this Section. These requirements are in addition to any permit requirements and other applicable regulations of the California Department of Housing and Community Development in compliance with Title 25 of the California Code of Regulations.

A. Definitions. The following terms are defined for the purposes of this Section:

1. **Major rural area construction project.** A development occurring outside of an urban or village reserve line that will employ 50 or more full-time construction workers during construction. Such projects include but are not limited to energy production, extraction or transmission facilities, pipelines and other land uses requiring Conditional Use Permit approval.
2. **Recreational vehicle space.** A lot or defined area inside a temporary construction trailer park, within which a single occupied travel trailer, motor home, truck mounted camper or other vehicle used for temporary housing purposes may be accommodated.
3. **Title 25.** Title 25 of the California Code of Regulations.

B. Application requirements. The land use permit application shall be filed only by the applicant for the project the park is intended to support, or an independent contractor engaged by the construction project applicant.

C. Limitation on duration of park.

1. **Time for removal.** Except as otherwise provided by Subsection C.2, a temporary construction trailer park shall be removed from the approved site and the site shall be restored to its pre-park state, or other condition or use consistent with the provisions of this Title, within one year from the date of its approval, or within 60 days after completion of the construction project the park supports, whichever comes first.
2. **Extensions of time.** Operation of an approved park may continue beyond the period prescribed by Subsection C.1, if extended by the Review Authority through approval of a request for extension from the applicant before the expiration of one year; or if extended through the approval of another Conditional Use Permit authorizing use of the park to support another approved major rural area construction project. Extensions of

time without additional Conditional Use Permit approval may be granted by the Review Authority for a maximum of one year each, and shall not exceed a total of three years.

3. **Guarantee of removal and restoration required.** In order to ensure proper termination, removal and site restoration of a temporary construction trailer park as required by this Section, the applicant shall provide the County a performance guarantee in compliance with Section 22.64.040 before establishment of the park, in an amount to be determined through condition of approval of the Conditional Use Permit.

D. Location criteria.

1. A temporary construction trailer park shall not be located closer than 1,500 feet from any dwelling on other than the site of the park.
2. The park shall not be visible from a public road unless the Review Authority finds that:
 - a. The location of a park near a remote rural area construction project will significantly reduce the length of vehicle trips generated by the construction project; and
 - b. There is not a site with suitably limited visibility within a reasonable distance of the construction project.

E. Minimum site area: Five acres.

F. Site design and development standards. The design and development of a temporary construction trailer park shall be in compliance with the provisions of Title 25 of the California Code of Regulations for Special Occupancy Parks, Sections 2000 et seq., and the following.

1. **Maximum park density.** 10 recreational vehicle spaces per acre.
2. **Site coverage.** The occupied area of the site shall not exceed 75 percent of the total site area.
3. **Setbacks.** No part of a recreational vehicle shall be located closer than 50 feet to any street property line, and no closer than 30 feet to any interior property line; provided that the Commission may reduce the street property line setback where it finds that site topography or other natural features eliminate the need for the screening or buffering provided by such setbacks.
4. **Security fencing.** A solid wood fence or chain link fence with slats is the minimum requirement for security fencing, which shall be located on all interior property lines and street setbacks.
5. **Parking.** Each recreational vehicle space shall be provided sufficient area to accommodate the parking of one passenger vehicle in addition to the recreational vehicle.

6. **Roads.** Interior park roads may be constructed to the County gravel standard structural section, at the widths provided by Section 2408 of Title 25, provided that such roads shall be maintained in a dust-free condition as required by Title 25.
7. **Utilities.**
 - a. **Water Supply.** Domestic water facilities are not required at each recreational vehicle space but shall be provided as required by Title 25 and shall be constructed in compliance with a permit from the Health Department.
 - b. **Restrooms and sewage disposal.** Restroom facilities shall be provided as required by Title 25. Sewage disposal facilities shall be approved by the Planning and Health Departments and Regional Water Quality Control Board. A holding tank dump shall be provided as required by Title 25.
 - c. **Power.** Electrical hookups shall be provided each recreational vehicle space.
8. **Fire protection facilities.** Shall be provided as required by the County Fire Department.
9. **Trash collection.** The park shall be provided at least one central trash collection area and the applicant shall arrange for weekly removal of trash from the park to an approved disposal site.

[Added 1987, Ord. 2319; 1994, Ord. 2696] [22.08.268]

22.30.600 - Temporary Dwellings or Offices

The use of a temporary dwelling or office is subject to the provisions of this Section. Standards for permanent caretaker dwellings are in Section 22.30.430; when a vehicle or temporary or relocatable building is proposed for use as an office for a sales lot (including mobile home sales), such use is subject to the standards of Section 22.30.530 (Sales Yards and Swap Meets).

A. General requirements.

1. **Location.** Temporary dwellings and offices shall be located outside of required setbacks.
2. **Type of structure.** A temporary dwelling or office may be a mobile home, recreational vehicle, or portable modular building in conformity with the Uniform Building Code, except within an urban or village area, a temporary dwelling may only be a recreational vehicle of 29 feet or less in length.
3. **Sanitation and water supply.**
 - a. **Restroom required.** A restroom within the temporary dwelling or office, or a portable restroom approved by the Health Department shall be provided.
 - b. **Sewage disposal.** Sewage disposal for a restroom within a temporary dwelling or office shall be by means of temporary hookup to community sewer facilities or the on-site septic system; sewage disposal from portable restrooms (only allowed for a temporary office) shall be as authorized by the Health Department.
 - c. **Water supply.** Water shall be supplied by a public water supply or on-site well. The temporary dwelling or office shall not be occupied until it is connected by means of a temporary hookup to a public water supply or an approved on-site water supply.
4. **Parking requirement.** None for a temporary dwelling or construction office, provided sufficient usable area is available to accommodate all parking needs entirely on-site; as required by Chapter 22.18 (Parking and Loading), for other temporary offices.
5. **Time limits.** The use of a temporary dwelling or office is subject to the time limits in Subsections B. through E., which may be extended in compliance with Section 22.64.070 (Extensions of Time).
6. **Approved permanent use required.** Temporary dwellings or offices are allowed only while an approved building permit *and* an approved land use permit are in effect for the permanent use (Section 22.64.150 - Lapse of Land Use Permit), except where other circumstances are authorized through Minor Use Permit approval or as otherwise provided in this Section. A mobile home shall not be authorized as a temporary dwelling where the permanent dwelling is also proposed to be a mobile home.

- 7. Removal of temporary dwelling or office.** Temporary dwelling or office use shall be terminated before issuance of a certificate of occupancy or final building inspection approval of the permanent use.
- B. Temporary dwellings.** A temporary dwelling may be established on the same site as the construction of a permanent residence, or on the site of a non-residential construction project. A temporary dwelling shall be occupied only by either the property owner, permittee, contractor, or an employee of the owner or the contractor who is *directly* related to the construction project. Use of a temporary dwelling is limited to a maximum period of one year, unless the land use permit for the temporary dwelling is extended as set forth in Subsection A.5.
- C. Temporary business offices.** A temporary business office may be used as follows.
1. On the site of a permanent business facility where such building is under construction; or where a temporary office has been authorized through a land use permit approval; or
 2. As a real estate office on the site of an approved new subdivision under construction within an urban or village reserve line or any other residential land use category, for a maximum of two years from recordation of a final subdivision map, unless a longer period is authorized through the tentative subdivision map approval, Minor Use Permit or Specific Plan approval. Such temporary real estate office may occupy one dwelling unit in the subdivision or may be a separate structure; or
 3. A financial service (e.g. a bank) may use a temporary business office on the permanent site, or a site other than that proposed for the permanent facility in advance of a decision to construct permanent quarters, for a maximum of 18 months before issuance of a land use permit for a permanent facility, and thereafter until either the permanent facility is established or its land use permit expires.
- D. Temporary construction offices.** May be established on the site of any subdivision, construction project or temporary off-site construction yard (Section 22.30.620) in compliance with the provisions of this Section. The temporary office may remain on the site until construction is completed.
- E. Emergency use of temporary dwellings or offices.** In the event of an emergency such as the destruction of a dwelling or the permanent quarters of a business, a temporary dwelling or office may be established in advance of the issuance of a building permit to reconstruct the destroyed structure, provided that a building permit is obtained for the temporary use and proper sanitation facilities are installed in compliance with Health Department approval.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1984, Ord. 2163; 1992, Ord. 2539, 2553; 1999, Ord. 2880] [22.08.246]

22.30.610 - Temporary Events

Where allowed by Section 22.06.030, temporary events are subject to the standards of this Section. (Swap meets are subject to the standards of Section 22.30.530 - Sales Lots and Swap Meets.)

A. Permit requirements. Minor Use Permit approval, except as follows.

1. **Public events.** No land use permit is required for:
 - a. Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or
 - b. Admission free events held at a public park or on other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in compliance with all applicable provisions of this Title; or
 - c. Other free admission events which are eight hours or less in duration and are operated by non-profit organizations.
2. **Commercial entertainment.** Commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).
3. **Parades.** Parades and other temporary events within the public right-of-way are not subject to land use permit requirements, provided that all requirements of the County Public Works Department and County Sheriff are met.
4. **Temporary camps.** Temporary camps as a principal use or accessory to another temporary event are subject to the permit requirements and other provisions of Chapter 8.64 of the County Code.

B. Time limit. A temporary event shall be held in a single location for no longer than 12 consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval.

C. Location. The site of any temporary event other than public events and parades shall be located no closer than 1000 feet to any Residential Single-Family land use category.

D. Site design standards. All temporary events are subject to the following standards, regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code.

1. **Access.** Outdoor temporary events shall be provided a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the event site to a publicly maintained road.

2. **Parking.** Off-street parking shall be provided private events as follows with such parking consisting at minimum, of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.
 - a. **Seated spectator events.** One parking space for each 12 square feet of seating area.
 - b. **Exhibit event.** One parking space for each 75 square feet of exhibit area.
 3. **Fire protection.** Facilities to be provided as required by the County Fire Department.
 4. **Water supply and sanitation.** Facilities to be provided as required by the Health Department.
- E. Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation in compliance with the standards of this Chapter. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 22.02.060 (Guarantees of Performance).

[Amended 1984, Ord. 2163; 1992, Ord. 2553] [22.08.248]

22.30.620 - Temporary Off-Site Construction Yards

A storage yard for construction supplies, materials or equipment for temporary use during a construction project (which may include a temporary office in compliance with Section 22.30.600) is allowable on a site not adjacent to the construction site subject to the provisions of this Section. The temporary storage of construction materials on or adjacent to a construction site is subject to Section 22.30.040 (Accessory Storage - Building Materials and Equipment).

- A. Site design standards.** To be determined through the review and approval process for Minor Use Permit proposals in addition to the site design standards as set forth in Section 22.30.560.B (Storage Yards - Site Design Standards); for Site Plan Review proposals as set forth in Section 22.30.560.B (Storage Yards - Site Design Standards).
- B. Site restoration required.** The site of a temporary construction yard shall be restored to its original vegetative and topographic state within 30 days after completion of construction. Proper site restoration within another period of time shall be approved by the Director. Prior to establishment of the use, all site restoration shall be guaranteed as set forth in Section 22.64.040 (Guarantees of Performance).

[Amended 1992, Ord. 2553] [22.08.244]

22.30.630 - Vehicle Storage

This Section applies to commercial parking lots, garage and other establishments engaged in the storage of vehicles for a fee or without fee as a principal use, whether owned and operated publicly or privately. (The storage of vehicles for sale is subject to Section 22.30.530 (Sales Lots and Swap Meets); the storage of vehicles in the Commercial Service and Industrial categories is subject to Section 22.30.560 (Storage Yards)).

- A. Limitation on use.** Vehicle storage establishments in the Commercial Retail and Office and Professional categories shall be limited to the temporary parking of automobiles, busses and self-propelled recreational vehicles.
- B. Minimum site area.** 10,000 square feet.
- C. Access.** From a local street or greater.
- D. Development standards.** The design and development of parking areas shall be in compliance with Chapter 22.18 (Parking and Loading), except that indoor parking facilities where all parking maneuvers are performed by attendants may use tandem parking.

[22.08.290]

22.30.640 - Warehousing

The standards of this Section apply to warehouse uses in the Residential Multi-Family land use category.

- A. Limitation on use.** Warehousing shall be limited to mini-storage facilities.
- B. Required finding.** Prior to the approval of a warehouse use, the Review Authority shall first find that the proposed storage facilities are designed primarily to serve the needs of residents in the same land use category.
- C. Development standards.** Warehouse facilities are subject to the same site design and site development standards in Article 3 as multi-family dwellings, except residential density.

[Amended 1992, Ord. 2553] [22.08.402]

CHAPTER 22.32 - ELECTRIC GENERATING PLANTS

Sections:

- 22.32.010 - Purpose
- 22.32.020 - Permit and Application Requirements
- 22.32.030 - Development Standards
- 22.32.040 - Steam Electric Generating Facilities
- 22.32.050 - Wind Energy Conversion Facilities (WECF)
- 22.32.060 - Photovoltaic Generating Facilities
- 22.32.070 - Hydro-Electric Generating Facilities
- 22.32.080 - Co-Generation Facilities

22.32.010 - Purpose

This Chapter provides standards to mitigate the potential adverse effects of various types of electric generating plants.

22.32.020 - Permit and Application Requirements

The following permit and application requirements apply to all electric generating facilities, except where other provisions of this Chapter establish different requirements.

- A. Permit requirements.** Except where county land use permit authority is preempted by state law, and except where other provisions of this Chapter establish a different permit requirement, the required land use permit is determined by the area in square feet per site of grading or the removal of natural ground cover, as follows:

Permit Requirement	Area of Site Disturbance
Zoning Clearance	Less than 40,000 sf
Minor Use Permit	40,000 sf or more

- B. Application contents.** In addition to any specific requirements later in this Section, land use permit applications shall comply with the requirements of Chapter 22.62 (Permit Applications) and shall also describe:

1. The physical and operating characteristics of the facility; the proposed design capacity of the facility; the operating schedule; how the electric energy shall be used; and if any electric energy shall leave the site, the physical and contractual arrangement for tying-in to other facilities;
2. Alternatives to the proposed facility and to separable aspects of the proposal. This will include reliability, as well as economic and environmental advantages and disadvantages;

3. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities; and
 4. The number and characterization by trades of the estimated construction and operation force. If construction is estimated to take over six months, the construction workforce will be estimated for each six-month period and will include estimates of numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools and traffic.
- C. Approvals from other agencies.** If another public agency must approve the proposed facility, the applicant shall:
1. Describe the requirements of that agency; summarize the agency's procedures for acting on the proposed use, and describe the studies, analyses and other data collection which the applicant or agency will perform in order to resolve each substantive requirement of the agency.
 2. List the required actions related to the proposed facility by other public agencies and utilities and a schedule for application and approval of those actions.
 3. Provide a copy of necessary state and federal permits and all written comments and decisions made by officials of the agencies listed prior to the start of construction.
- D. Information from other applications.** An applicant may incorporate by reference any information developed or submitted in any other application for the project, provided the applicant submits a copy or summary of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the approval standards of this Title.

[Added 1989, Ord. 2409] [22.08.312]

22.32.030 - Development Standards

- A. Bonding.** Following permit approval and prior to any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and any conditions required by the permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit review and approval process, and will be administered in compliance with Section 22.64.040.

- B. Environmental quality assurance.** An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit review and approval process.
- C. Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil must be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil and replanted during the next appropriate season.
- D. Utility interconnect.** All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.
- E. Other requirements.** Development standards in addition to those specified in this Section and in this Chapter may be imposed through conditions of approval where Minor Use Permit or Conditional Use Permit approval is required.

[Added 1989, Ord. 2409] [22.08.313]

22.32.040 - Steam Electric Generating Facilities

- A. Application contents.** In addition to the general requirements of Section 22.32.020, an application for a steam electric generating facility shall describe:
1. The cooling system, including volume and flow characteristics, source of the cooling fluid and the location, flow and chemical make-up of any liquid or gaseous discharges;
 2. Potable water requirements and proposed source;
 3. Fuel sources, delivery and storage systems and firing characteristics;
 4. The air pollution control system and emission characteristics; and
 5. Toxic and/or hazardous materials which will be used during the construction and operation, including estimates of the volumes, the inventory control system that is proposed, the disposition of these materials and the disposal system and ultimate location for disposal.
- B. Development Standards - Hazardous Materials.** Prior to their delivery and use on-site, the applicant shall submit a hazardous material and waste management plan for review and approval. Details to be contained in this plan will be established in the environmental review and Conditional Use Permit approval process.

[Added 1989, Ord. 2409] [22.08.314]

22.32.050 - Wind Energy Conversion Facilities (WECF)

A. Application contents. In addition to the general requirements of Section 22.32.020, an application for a wind energy conversion facility shall describe:

1. The location and elevation of proposed WECF;
2. The location of all above-ground utility lines on-site or within one radius of the total height of the WECF; and
3. The location and size of structures and trees above 35 feet within a 500 feet radius of the proposed WECF. For purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers are not considered structures.

B. Development standards. The following standards apply, in addition to those in Section 22.32.030.

1. **Setbacks.** The facility shall be setback from property lines at least five rotor diameters for a horizontal axis WECF or the height of a vertical axis WECF.
2. **Rotor safety.** Each wind conversion system shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application shall include a statement by a California-registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in compliance with good engineering practices. The engineer shall also certify the structural compatibility of proposed towers and rotors. This certification is normally supplied by the manufacturer.
3. **Guy wires.** Anchor points for any guy wires for a WECF tower shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in a bright orange or yellow covering from three to eight feet above ground.
4. **Tower access.** Towers shall be constructed to provide one of the following means of access control, or other appropriate method approved by the Director:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. A locked anti-climb device installed on the tower; or
 - c. The tower shall be completely enclosed by a locked, protective fence at least six feet high.
5. **Signs.** At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

6. **Electromagnetic interference.** The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Director that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.
7. **Height.** The minimum height of the lowest part of the WECF shall be 30 feet above the highest existing major structure or tree within a 250-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas, and slender or open lattice towers are not considered structures. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
8. **Distance from structures.** Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure. Vertical axis wind turbines shall be placed at a distance of at least 10 blade diameters from any structure or tree. The Director may grant a modification for good cause shown; however, in no case shall the turbine be located closer than three blade diameters to any occupied structure.
9. **Undergrounding.** Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of on-site substation.
10. **Public nuisance.** Any WECF which has not generated power for 12 consecutive months is hereby declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal in compliance with Chapter 22.74. [Added 1989, Ord. 2409] [22.08.316]

22.32.060 - Photovoltaic Generating Facilities

- A. **Application contents.** In addition to the requirements of Section 22.32.020, an application for a photovoltaic generating facility shall describe:
 1. Tracking system design, including a showing that no concentrated reflections will be directed at occupied structures, recreation areas or roads.
 2. How public access will be restricted or why public liability is not a concern at the particular facility.
- B. **Undergrounding required.** Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of an on-site substation.

[Added 1989, Ord. 2409] [22.08.318]

22.32.070 - Hydro-Electric Generating Facilities

In addition to the general requirements of Section 22.32.020, an application for a hydroelectric generating facility shall describe:

- A. How proposed construction and operation of the facility complies with state water rights laws and all other applicable state regulations.
- B. Any water diversion facilities proposed for the facility, their relation to existing facilities, and how the surface elevation of any impoundment will change.
- C. How the operation of the generating facility will change the flow regime in the affected stream, canal, or pipeline including, but not limited to:
 - 1. Rate and volume of flow;
 - 2. Temperature;
 - 3. Amounts of dissolved oxygen to a degree that could adversely affect aquatic life;
 - 4. Timing of releases; and
 - 5. Whether there will be a change in the up- or down-stream passage of fish.

[Added 1989, Ord. 2409] [22.08.320]

22.32.080 - Co-Generation Facilities

- A. **Application contents.** In addition to the general requirements of Section 22.32.020, the application for a co-generating facility shall contain the descriptions required in Section 22.32.040 for steam electric generating facilities as applicable, and shall describe the characteristics of the energy conversions of the proposed facility and the proportions going to the various end-uses and their seasonal variation.
- B. **Development standards.** The standards of Sections 22.32.020, 22.32.030 and 22.32.040.B apply.

[Added 1989, Ord. 2409] [22.08.322]

CHAPTER 22.34 - PETROLEUM RESOURCE DEVELOPMENT

Sections:

- 22.34.010 - Purpose
- 22.34.020 - Applicability
- 22.34.030 - Drilling Permit Requirements
- 22.34.040 - Oil and Gas Well Development Standards
- 22.34.050 - Petroleum Refining and Related Activities

22.34.010 - Purpose

This Chapter provides reasonable regulations for the extraction and development of onshore petroleum and other subterranean resources in San Luis Obispo County, including but not limited to exploration, production, storage, processing, transportation, and the disposal of petroleum and other hydrocarbons and of any operations accessory thereto. This Chapter is intended to supplement regulations administered by the California State Division of Oil and Gas, to address particular problems in the County that do not apply generally throughout the state. These problems include a limited water supply for agricultural and domestic uses in a county that depends heavily on agriculture and tourism for its economic welfare. The fresh water supply must be fully protected from pollution by petroleum operations. [Amended 1989, Ord. 2409] [22.08.172]

22.34.020 - Applicability

All petroleum resource extraction operations shall be conducted in compliance with the standards of this Chapter. The extraction of petroleum from oil sands or shales by any method other than wells is subject to the standards of Chapter 22.36 for surface mining operations). [Amended 1989, Ord. 2409] [22.08.172]

22.34.030 - Drilling Permit Requirements

A drilling permit shall be obtained to authorize exploration or production wells for oil, gas, geothermal steam or any other subterranean resource except water (water wells are subject to Chapter 8.40 of this Code), as follows.

- A. Exploratory well permit.** Exploratory wells are drilled to verify the location, extent, or feasibility of commercial extraction of subterranean resources. Minor Use Permit approval is required for an exploratory well, except that Conditional Use Permit approval is required where drilling is proposed:
1. Within an urban or village reserve line, a Residential Suburban land use category, or a Sensitive Resource Area; or
 2. When exploration for, or extraction of any resource other than oil, gas or geothermal steam is proposed.

B. Production well permit. Production wells are permanent installations for the extraction and preparation for transportation of a proven resource.

1. Conditional Use Permit approval is required for establishing any new oil field, other resource extraction production area, or to reopen a field that has been unused for 12 months or more, that involves single or multiple wells and related facilities.
2. Minor Use Permit approval is required where an additional well is proposed in an existing designated oil field, as identified by the California Department of Conservation, Division of Oil and Gas.

C. Application content. In addition to the information required for applications by Chapter 22.62, (Permit Applications) drilling permit applications shall also describe:

1. Location and dimensions of wells, well pads and earthen sumps, location of roads and associated improvements (including housing), locations of any pipelines or storage tanks and pump facilities.
2. Identification of the type of drilling equipment (e.g., portable or fixed) intended to be used in the drilling activities.
3. When landscaping plans are required by Chapter 22.16, they shall include measures proposed for screening producing wells and permanent equipment from the view of public roads or residential uses, revegetation of all cut and fill banks, and restoration of disturbed areas of the site not directly related to oil and gas production.
4. Proposed erosion control measures.
5. All development associated with the proposed well and associated facilities and how that development complies with the standards of this Title.
6. If another public agency must also approve the proposed facility, the applicant shall also provide:
 - a. A brief description of the nature and scope of the requirements of that agency, including the agency's procedures for acting on the proposed use.
 - b. A schedule for applications and approvals for actions by other responsible agencies.
 - c. A copy of all necessary state and federal permits and associated conditions of approval issued by the agencies listed prior to the submittal of the application.

7. An applicant may incorporate by reference any information developed or submitted in any other application, provided the applicant submits a copy or summary of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the approval standards of this Title.

[Amended 1981, Ord. 2063; 1989, Ord. 2409] [22.08.173]

22.34.040 - Oil and Gas Well Development Standards

The following standards apply to all resource extraction wells:

- A. **Bonding.** Performance guarantees to assure compliance with applicable provisions of this Title, conditions of approval and other applicable regulations, shall be provided as follows:
 1. **Single bonds.** Following approval of a drilling permit and prior to any work on the proposed drilling site, the applicant shall post a surety bond in the minimum sum of \$5000 per well, in favor of the County, conditioned that the applicant (who shall be named in the bond) shall faithfully comply with all applicable conditions, restrictions, and requirements of this Title, APCD regulations, and any conditions of approval in drilling or redrilling and maintaining all surface production facilities as required by this Title or APCD regulations and conditions of approval, until abandonment of such facilities in compliance with this Title. The bond shall secure the County of San Luis Obispo against all expenses incurred on account of any failure of the applicant to comply with the provisions of this Title, APCD regulations and any conditions of approval. The bond shall include the correct name or number of the well and such other information as may be necessary to readily identify the well. Such guarantee is in addition to any bond required by the state.
 2. **Blanket bonds.** Where the Director is satisfied as to the financial responsibility of an operator, the Director may permit the filing of a bond in the minimum amount of \$25,000 to cover all the operator's surface operations in the County, instead of the single bond required by Subsection A.1. The bond shall be accompanied by a rider filed with the Director that includes a description of all operations and facilities covered by the bond.
 3. **Increase in bond amount.** The bond amounts in this Subsection may be increased or decreased by the Director when justified by particular circumstances. The Director shall annually review all such bond amounts to determine whether they are adequate to insure compliance with the provisions of this Title. Disputes between the Director and applicant regarding increased or decreased bond amounts shall be subject to the appeal process of Section 22.70.050.

B. Site development.

1. **Roads, access and site preparation.** Roadwork and grading for drill site preparation shall be limited to that necessary for site access and shall be designed and oriented to minimize cut and fill slopes and removal of vegetation. Roads shall be maintained in a dust-free condition by periodic watering or by compacted surfacing. A grading permit may be required for drill site access roads and site preparation, as determined by Chapter 22.52 (Grading).
2. **Clearing and revegetation.** The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Top soil shall be stripped and stored separately. Disturbed areas no longer required for production will be regraded, covered with topsoil and replanted during the next appropriate season.
3. **Well locations.** A well hole, derrick or tank shall not be placed closer than 100 feet of any residence, or closer than 25 feet from any public road, street or highway, except where the Review Authority determines that separations are unnecessary or ineffective because of physical conditions of the drilling site or the vicinity.
4. **Drilling within a community.** The following standards apply to drilling operations within urban or village reserve lines or Residential Suburban land use categories.
 - a. **Portable rig required.** Drilling operations shall use portable drilling apparatus only, which shall be removed from the site within five calendar days from completion of drilling.
 - b. **Hours of operation.** Drilling operations may continue uninterrupted once started. Delivery of materials, equipment, tools or pipe shall occur only between the hours of 7 a.m. and 9 p.m., or such other hours as the Commission may establish, except in case of emergency.
5. **Sumps and waste disposal.** All waste substances such as drilling muds, oil, brine, or acids produced or used in connection with oil drilling operations or oil production shall be retained in watertight receptors, from which they can be piped or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Regional Water Quality Control Board. The use of unprotected earthen sumps is prohibited except during drilling operations. Any allowed sump located within view of any public street or within 1,000 feet of any residence shall be enclosed with a fence not less than five nor more than 10 feet in height, mounted on steel posts with not less than three strands of barbed wire around the top, except when an earthen sump is under continuous supervision and use during drilling operations. Fencing shall be constructed of woven wire fencing or equivalent of not greater than six inch mesh.
6. **Fire protection.** Fire fighting apparatus and supplies, approved by the County Fire Department shall be maintained on the site at all times during drilling and production operations.

7. **Completion of drilling.** The applicant shall notify the Director within 10 days after completing or abandoning the facility. Within 30 days after completion or abandonment of an exploratory or production well, all derricks, other drilling apparatus and equipment, including any earthen sumps, shall be removed from the site and the sumps filled. Drill rigs in urban areas shall be removed within five calendar days as provided in Subsection B.4. After completion of drilling, any necessary servicing or maintenance of wells may use portable derricks, if needed.

C. Well operation and site maintenance.

1. **Landscaping.** Within 30 days after the completion of the drilling of a producing well within view of any public street or any residence, production equipment shall be screened, and the entire extraction site, including disturbed areas not directly related to the extraction shall be revegetated and thereafter maintained as shown on the approved landscaping plan. This requirement is not applicable in Agriculture and Rural Lands categories outside of urban and village reserve lines.
2. **Site maintenance.** The drillsite, permanent equipment and approaches to the site shall be kept in a clean, neat appearing condition free from debris, other than necessary and incidental drilling equipment and supplies. The site shall be maintained so as to prevent any accumulation of oil, oil products, or oil-coated boards, materials or equipment which might cause fumes or odors detrimental to adjoining property.
3. **Storage tanks.** Oil storage tanks erected or maintained on the premises shall be removed no later than 180 days after the first well on the site is completed except where located as part of a permanent tank battery authorized through Conditional Use Permit approval. Oil produced thereafter shall be transported from the drilling site by means of an underground pipeline connected directly with the producing pump without venting to the atmosphere at the drilling site. This requirement is not applicable in Agriculture and Rural Lands categories outside urban and village reserve lines.
4. **Parking and loading.** All parking and loading activities related to well drilling or production shall occur on-site.
5. **Signing.** Only directional, instructional and warning signs, and signs required for identification of a well may be placed on the premises.
6. **Operating wells.** Pumping wells shall be operated by electric motors or muffled internal combustion engines. Pumping units within urban or village reserve lines or Residential Suburban land use categories shall be installed within pits or above-grade structures which screen all mechanical equipment from the view of public roads or adjoining properties and which reduce noise generated by pumping equipment to within the limits specified by Section 22.10.120 (Noise Standards).

7. **Violations.** If the facility is operated in a manner that violates the standards or conditions of this Section or any other required permit, the applicant shall:
- a. Immediately stop, contain, or correct the unauthorized action or inaction.
 - b. Within 30 days of the violation, inform the Director in writing about the cause of the violation, its effects, and corrective action the applicant took in response to the violation and proposes to take to prevent a reoccurrence of the violation or its cause.

D. Periodic inspection. All active wells will be inspected annually by the Department. The applicant shall pay the costs of such inspections in compliance with the County Fee ordinance.

E. Well abandonment. The abandonment of an oil well shall occur as follows.

1. All production and processing facilities related to the well shall be removed from the site unless they have been approved for use with another adjacent well.
2. The well site and surroundings affected by drilling operations shall be restored and revegetated to achieve a natural-appearing condition which will approximate their original vegetative and topographic state.
3. The applicant shall notify the Director within 10 days after abandoning the well and associated facilities.
4. The requirements of Title 7.04 of this Code shall be complied with.
5. The applicant shall report the well abandonment as required to the Division of Oil and Gas, and the applicant shall provide the Director a copy of the response received from the Division of Oil and Gas regarding completion of abandonment in compliance with their requirements.

[Amended 1989, Ord. 2409] *[22.08.174]*

22.34.050 - Petroleum Refining and Related Activities

This Section applies to petroleum refining facilities, operations, and related activities, including compounding lubricating oils and greases from purchased materials, oil or gas processing facilities, manufacture of petroleum coke and fuel briquettes, and tank farms.

A. Specific Plan required. A land use permit application for a use included by Article 8 within the definition of Petroleum Refining and Related Activities (including extended reach facilities) may be filed with the Department of Planning and Building and a land use permit may be granted only after a Specific Plan, as described in Government Code Section 65450 et seq., has been approved for the overall development of the parcel, except for:

1. An existing facility used solely for in-field processing of petroleum produced from a field surrounding or adjacent to the facility and not exceeding 10,000 barrels processing capacity of petroleum and related fluids, excluding produced water, per day;
2. An existing facility used solely for in-field compression or sweetening of natural gas and similar fluids produced from a field surrounding or adjacent to the facility;
3. Existing storage facilities having a capacity not exceeding 210,000 barrels of crude petroleum or refined petroleum products;
4. Emergency oil spill response facilities;
5. Additions within existing facilities or modifications to existing facilities mandated by local, state, or federal requirements or by a demonstrated need for replacement due to technological improvement or facility age that do not expand the capacity of a facility by more than 10 percent or expand the existing exterior boundary of the site; and,
6. Any facility described by size, capacity, physical characteristics, and site as part of a previously approved Specific Plan.

B. Specific Plan preparation costs to be borne by applicant. Any applicant requesting preparation and approval of a Specific Plan must, prior to the initial acceptance of the application, agree in writing to pay all reasonable expenses incurred by the County of San Luis Obispo in preparing and reviewing the request within 30 days after being invoiced for such costs, and must deposit with the County of San Luis Obispo a sum to be set in compliance with the fee schedule adopted by County ordinance in order to pay for any such costs incurred by San Luis Obispo County and not otherwise compensated by the applicant.

C. Contents of Specific Plan. Specific Plans shall include all information required by Government Code sections 65450 et. seq., all information required by provision of the San Luis Obispo County General Plan, and by other provisions of County ordinances, and all information required by each of the following;

1. A detailed description of long-term plans for use of the site, including specific characteristics, volumes, and sources of hydrocarbons; specific descriptions of all expected incoming and outgoing transmission or shipment facilities or changes in intensity of use of existing facilities which may result from a proposal; description of anticipated size, type and location of initial and subsequent refining, processing, cogeneration, storage, transmission, and associated facilities; and delineation of transportation and access routes for materials and personnel, including location and physical characteristics of such routes and the incremental burdens to be imposed on each route during construction or operation of facilities and analysis of the extent, if any, to which access routes may create nuisances or hazards for adjacent properties.

2. A schedule for initial and subsequent phases of development of the site which specifies the anticipated order in which facilities will be constructed and operated, circumstances which will cause need for specific facilities, and anticipated timing of commencement of permitting, construction, operation, peak operation, and decommissioning for each facility;
3. Volume and time of demand for other resources including but not limited to water, natural gas, and electricity;
4. Identification, volume and nature of hazardous materials other than crude oil, natural gas, or petroleum products refined on-site to be imported into the site, stored or produced on-site, transmitted or shipped off-site, as well as characterization of any hazardous waste contamination existing on the parcel or which may be expected from construction or operation of the planned facility;
5. An analysis of the compatibility of the proposed use with present characteristics of the parcel, with surrounding uses, and with the physical, cultural, socioeconomic, recreational and aesthetic character of the surrounding region;
6. A plan showing that the proposed use will be buffered and screened from adjacent land uses to protect adjacent uses, the proposed use, and the people and resources of the region from harm or encroachment;
7. An analysis of the extent to which the configuration and characteristics of intended facilities and operations will be compatible over the life of facilities with surrounding uses, physical, cultural, socioeconomic, recreational and aesthetic characteristics of the region, and with public health and safety;
8. Plans of the proponent and any partners or other operators for any fields expected to send production to the planned facility together with a showing of the extent to which the planned facility addresses consolidation of processing, refining, storage, shipment and transmission of hydrocarbons;
9. A detailed description of a buffer area which includes a sufficient area around the planned project to confine, buffer, and screen impacts, including potential impacts, from the project and to prevent encroachment of incompatible land uses within the area of influence of the planned facility to promote public health and safety, and to promote land use compatibility by designating an area around the facility within which no land uses incompatible with the proposed project will be allowed during the life of the project. The precise designation of the buffer area shall be reviewed during the CEQA process and approved at the time of Specific Plan approval to prevent subsequent encroachment.

- D. Factors to be considered.** Because the Specific Plan is a tool for the systematic implementation of the General Plan, it must be precise in its descriptions of the distribution, location, and extent and intensity of the major components for the proposed facility. Prior to the approval of any Specific Plan requested in compliance with this Section, the Board shall consider whether its action protects and promotes community health, safety, air and water quality, soil and habitat stability, riparian and wetland areas, cultural and visual resources, traffic and noise thresholds, land use compatibility, and availability of services and also recognizes a need for facilities to support offshore or onshore hydrocarbon production.
- E. Pre-application conference required.** Conditional Use Permit applications filed after approval of the Specific Plan, as required by Subsection 22.30.050.A, shall be preceded by a pre-application conference scheduled by the Department. The purpose of the conference shall be to identify concerns, standards, regulatory limits, application contents, information needs, requirements and mitigations as set forth in the approved Specific Plan, and format requirements that are necessary to process and evaluate a proposal.
- F. Permit requirements.** Conditional Use Permit approval by the Board is required for all new uses and any expansion of the external boundaries of existing uses. The action of the Review Authority described in Section 22.62.060 shall be a recommendation to the Board. Minor Use Permit approval is required for modification of facilities within an existing approved development, unless a condition of a previous Conditional Use Permit approval sets a different land use permit requirement.
- G. Application requirements.** In addition to the application content requirements of Chapter 22.62 (Permit Applications) an application filed in compliance with this Section shall also include written explanation of the following requirements as determined at the preapplication conference:
1. The proposed design capacity of the facility; the operating schedule; the energy use; the products and materials to be received at the facility; how the products and materials shall be delivered; the processing methods; the products to leave the site; and the physical and contractual arrangements for connections with other facilities.
 2. Alternatives to the proposed facility and to separable aspects of the proposal. This discussion shall include discussion of reliability of the proposed facility and alternatives, as well as their economic and environmental advantages and disadvantages.
 3. Plans for any overhead or underground electric transmission lines, transformers, inverters, switchyards, including their size and capacity or any required new or upgraded off-site transmission facilities.
 4. Plans for any other required utility connections such as telecommunications, natural gas, water or sewage. This will include physical arrangements, timing of construction, expected volumes, and contractual arrangements.

5. The cooling system, if any, including volume and flow characteristics, source of the cooling fluid and the location, flow and chemical make-up of any liquid or gaseous discharges.
6. Potable water requirements and proposed source.
7. The fuel sources, delivery and storage systems and firing characteristics.
8. The air pollution control system and emission characteristics.
9. The characteristics of the liquid and solid wastes produced and the liquid and solid waste disposal systems.
10. Any toxic and/or hazardous materials as defined by the EPA or the State of California which will be used during the construction and operation, including estimates of the volumes of each, the inventory control system that is proposed, the disposition of these materials and the disposal system and ultimate location for disposal. The applicant shall also demonstrate why non-toxic materials cannot be substituted for the toxic and/or hazardous materials proposed.
11. An oil spill contingency plan, a spill prevention control and countermeasure plan and a system safety plan.
12. If another public agency must also approve the proposed facility, the applicant shall also provide:
 - a. A brief description of the nature and scope of the requirements of that agency; including the agency's procedures for acting on the proposed use.
 - b. A schedule for applications and approvals for actions by other responsible agencies.
 - c. A copy of all necessary state and federal permits and associated conditions of approval issued by the agencies listed prior to the submittal of the application.
13. An applicant may incorporate by reference any information developed or submitted in any other application, provided the applicant submits a copy of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the standards for approval in compliance with this Title.
14. The number and identification by trades of estimated construction and operation forces. If construction is estimated to take over six months, the construction workforce shall be estimated for each six-month period. The estimates shall include numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools, traffic, water supply, waste water facilities and emergency services.

H. Standards and specifications. The following standards apply in addition to other applicable provisions of this Title, and any requirements imposed through the Conditional Use Permit process.

1. **Bonding.** Following permit approval and before any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and all conditions required by the Conditional Use Permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit approval process.
2. **Environmental quality assurance.** An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted for approval by the Director prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific components of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit approval process.
3. **Clearing and revegetation.** The land area disturbed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil will be stripped and stored separately. Disturbed areas no longer required for operation shall be regraded, covered with topsoil and replanted during the next appropriate season.
4. **Utility interconnect.** All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the affected utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the chief building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.
5. **Hazardous materials.** Prior to their delivery and use on-site, the applicant shall submit a hazardous material and waste management plan for review and approval. Details to be contained in this plan will be established through the environmental review process and the Conditional Use Permit approval process.

[Added 1985, Ord. 2239; Amended 1989, Ord. 2409; 1991, Ord. 2523; 1999, Ord. 2880] [22.08.094]

CHAPTER 22.36 - SURFACE MINING AND RECLAMATION

Sections:

- 22.36.010 - Purpose
- 22.36.020 - Applicability
- 22.36.030 - Surface Mining Practices
- 22.36.040 - Permit Requirements for Surface Mining
- 22.36.050 - Reclamation Plan
- 22.36.060 - Financial Assurances for Guarantee of Reclamation
- 22.36.070 - Public Records
- 22.36.080 - Annual Review
- 22.36.090 - Nuisance Abatement
- 22.36.100 - Underground Mining
- 22.36.110 - Use of County Roads by Extraction Operations

22.36.010 - Purpose

- A. This Chapter provides regulations for surface mining and related mineral extraction operations, to provide for the reclamation of mined lands, prevent or minimize adverse environmental effects and safety hazards, and provide for the protection and subsequent beneficial use of mined and reclaimed lands. Because surface mining occurs in areas diverse in environmental and social conditions, reclamation operations and specifications may vary accordingly.
- B. These standards are adopted as required by the California Surface Mining and Reclamation Act of 1975 (SMARA) (Section 2207 and 2710 et seq. of the Public Resources Code and Chapter 8, Title 14, California Code of Regulations, Section 3500 et seq.).
- C. Surface mining operations include the processes of removing overburden and mining directly from mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. In addition, surface mining operations include, but are not limited to: Inplace distillation, retorting or leaching; the production and disposal of mining waste; prospecting and exploratory activities; borrow pitting, streambed skimming, segregation, recovery, and stockpiling of mined materials; and extractions of natural materials for building, construction.

[22.08.180 and 180a]

22.36.020 - Applicability

- A. Permit and reclamation plan required.** No person shall conduct surface mining operations unless a permit, financial assurances, and reclamation plan have first been approved by the County for such operations, except as otherwise provided by this Chapter.
- B. Exceptions.** The provisions this Chapter are not applicable to:
1. Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster when the excavation is conducted only on the land directly affected by disaster.
 2. Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one site of one acre or less, provided:
 - a. A grading permit is required for such exploration in compliance with Chapter 22.52 (Grading); and
 - b. Each such site is restored to a natural appearing or otherwise usable condition to the approval of the Director upon completion of exploration.
 3. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or cover more than one acre in any one site. (This does not exempt the owner from obtaining a Grading Permit if required by 22.52 (Grading)).
 4. The solar evaporation of sea water or bay water for the production of salt and related minerals.
 5. Other mining operations categorically identified by the State Board in compliance with Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.
- C. Conflicting provisions.** Where any conflicts arise as to materials, methods, requirements, and interpretation of different sections between this Chapter, and Chapter 22.52 (Grading), the most restrictive shall govern.

[Amended 1992, Ord. 2553; 1994, Ord. 2696] [22.08.180b, c, d]

22.36.030 - Surface Mining Practices

The state guidelines for surface mining and reclamation practices contained in the Surface Mining and Reclamation Act of 1975 (SMARA) Section 2207 and 2710 et seq. of the Public Resources Code and Chapter 8, Title 14, California Code of Regulations, Section 3500 et seq. are incorporated into this Chapter as though they were set fully forth here, excepting that when the provisions of this Chapter are more restrictive than conflicting state sections, this Chapter shall prevail, and are the minimum acceptable practices to be followed in surface mining operations.

[Amended 1994, Ord. 2696] [22.08.181]

22.36.040 - Permit Requirements for Surface Mining

- A. **New surface mining operations.** Conditional Use Permit approval shall be obtained before starting any surface mining operations as defined in this Chapter, except as provided in Subsection B. New mines shall be limited to a maximum of one operator per site, and such operator shall take full responsibility for reclamation per Section 22.36.060.
- B. **Existing surface mining operations.** A person who has obtained a vested right to conduct a surface mining operation before January 1, 1976, need not secure a permit as required by Subsection a, as long as the vested right continues and there are no substantial changes. All operations are required to have an approved Reclamation Plan and Financial Assurances per Sections 22.36.050 and 22.36.060. Provided, however, that Conditional Use Permit approval is also required if an existing mine is changed by increasing the on-site processing capabilities of the operation or by changing the method of mining (i.e. from mechanical to hydraulic technology), or the mine is expanded beyond the external boundaries of the original surface mining site.
- C. **New operations on a reclaimed site.** The resumption of surface mining operations on a site where reclamation was previously completed shall only occur in compliance with the approval of a new Conditional Use Permit and Reclamation Plan.
- D. **Vested right defined.** For the purposes of surface mining operations only, a person is deemed to have a vested right if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial costs for work and materials necessary therefor. Expenses incurred in obtaining an amendment to the Land Use Element, or the issuance of a permit to establish or expand a mine, are not deemed costs for work or materials.
- E. **Surface mining permit review procedure.** The Department of Planning and Building will review the permit application and the reclamation plan for accuracy and completeness, and coordinate review of the application and plan with the State Department of Conservation and other agencies. A public hearing will be scheduled after the filing of both the permit application and the reclamation plan. The hearing will be held in compliance with Section 22.70.060. The purpose of the hearing will be to consider the applicant's request and to approve, conditionally approve or disapprove the issuance of a permit and reclamation plan for the proposed surface

mining operation. Approval or conditional approval may be granted only upon making the findings that the application and reclamation plan or amendments to reclamation plan and reports submitted:

1. Adequately describe the proposed operation in sufficient detail and comply with applicable state mandated requirements of SMARA;
2. Incorporate adequate measures to mitigate the probable significant adverse environmental effects and operational visual effects of the proposed operation;
3. Incorporate adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas;
4. Show proposed uses which are consistent with the County General Plan; and
5. Demonstrate that the uses proposed are not likely to cause public health or safety problems.

In addition, when any significant environmental impact has been identified, the findings mandated by the Public Resources Code shall be made.

[Amended 1992, Ord. 2553; 1992, Ord. 2583; 1994, Ord. 2696] [22.08.182]

22.36.050 - Reclamation Plan

A. When required.

1. **Proposed surface mining operations.** Approval of a reclamation plan shall be obtained before starting any proposed surface mining operation for which a permit is required by Section 22.36.040.
2. **Active surface mining operations.**
 - a. No later than July 5, 1980, any person who is presently conducting surface mining operations under a vested right obtained before January 1, 1976, shall file with the Department of Planning and Building a reclamation plan for all operations conducted and planned after January 1, 1976. Provided, however, that a reclamation plan need not be filed if:
 - (1) A reclamation plan was approved by the County before January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in compliance with that plan; or
 - (2) The owner/operator files a letter with the Department of Planning and Building stating that the mine is being temporarily deactivated, and agreeing to file a reclamation plan as set forth in Subsection A.3 before resuming operations; or

- (3) Surface mining operations were completed before January 1, 1976.
- b. In the case of surface mining operations physically conducted and operated by San Luis Obispo County agencies in support of county projects, the County agency shall file the required reclamation plan, which shall be reviewed as described below in Subsection A.3.b, A.3.c, and A.3.d, subject to the other provisions of this Chapter.

3. Temporarily deactivated surface mining operations.

- a. Within 90 days of a surface mining operation becoming idle, the operator shall submit an interim management plan to the department. "Idle" is defined as curtailing for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. The interim management plan shall be processed as an amendment to the Reclamation Plan, but shall not be considered a project for the purposes of environmental review. The plan shall provide measures which the operator will implement to maintain the site in compliance with this ordinance, SMARA, and all conditions of the Conditional Use Permit and/or Reclamation Plan.
- b. Within 60 days of receipt of the interim management plan, or a longer period mutually agreed upon by the Department of Planning and Building and the operator, the plan shall be reviewed by the department. During this time period, the plan will either be approved by the Review Authority or the operator shall be notified in writing of any deficiencies in the plan or additional information needed to review the submittal. The operator shall have 30 days, or a longer period if mutually agreed upon, to submit the revised plan or additional information. The Review Authority shall approve or deny the revised interim management plan within 60 days of receipt of a plan that has been determined to be complete by the department. If the plan is denied by the Review Authority, it may be appealed as described in 22.70.050.
- c. The interim management plan may remain in effect for a period not to exceed five years, at which time the operator may apply to renew the plan for one more period not to exceed five years. The renewal shall be processed as an amendment to the Reclamation Plan and, prior to approval, the Review Authority must find that the operator has complied with the previously approved plan. The Review Authority may then either approve the renewal or require the operator to commence reclamation in compliance with its approved Reclamation Plan. In any event, the required financial assurances, sufficient to reclaim a mine in accordance with the Reclamation Plan, shall remain in effect during the period the surface mining operation is idle. If the surface mining operation is still idle after expiration of its interim management plan, reclamation shall commence in compliance with its approved Reclamation Plan.

- d. The owner/operator of a surface mining operation for which a vested right was obtained before January 1, 1976, and which is temporarily deactivated on the effective date of this Title shall, prior to reactivation, receive approval of a Reclamation Plan for operations to be conducted after January 1, 1976. Failure to receive approval of a reclamation plan before reactivating a temporarily deactivated operation shall create a presumption of termination of the vested right and surface mining operations shall be prohibited unless a new Surface Mining Permit is approved.

B. Reclamation plan filing and content. The filing and content of all reclamation plans shall be in compliance with the provisions of this Chapter and as further provided in Section 2770 et seq. of the Public Resources Code. All applications for a reclamation plan shall be made on forms provided by the County Department, and as called for by the Public Resources Code. The plan shall be prepared by a registered civil engineer, licensed landscape architect, state-registered geologist or forester, or other qualified professional approved by the Director.

1. Reclamation standards. The proposed plan shall include detailed and verifiable provisions adequate to determine compliance with the minimum SMARA performance standards for reclamation as described in Section 3500 et seq. of the California Code of Regulations. The plan shall include provisions for, but shall not be limited to, the following:

- a. wildlife habitat;
- b. backfilling, regrading, slope stability, and recontouring;
- c. revegetation;
- d. drainage, diversion structures, waterways, and erosion control;
- e. agricultural land reclamation;
- f. building, structure, and equipment removal;
- g. stream protection, including surface and groundwater;
- h. topsoil salvage, maintenance, and redistribution;
- i. tailing and mine waste management.

2. Phasing of reclamation. Proposed plans shall include a reclamation phasing schedule where appropriate, which is consistent with the phasing of the mining operation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation measures may also be required for areas that have been disturbed and will be disturbed again in future operations. The phasing schedule shall include the following minimum components:

- a. the beginning and expected ending dates for each phase;

- b. a clear description of all reclamation activities;
 - c. criteria for measuring completion of each specific activity; and
 - d. estimated costs for each phase of reclamation as described in Section 22.36.060.
- 3. Visual resources.** The reclamation plan shall, to the extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include, but not be limited to, resoiling, recontouring of the land to be compatible with the surrounding natural topography, and revegetation and the end use or uses specified by the landowner. Where the mining operation requires the leveling, cutting, removal, or other alteration of ridgelines on slopes of twenty percent or more, the reclamation plan shall ensure that such mined areas are found compatible with the surrounding natural topography and other resources of the site.
- C. Notification of Department of Conservation (State).** The State will be notified within 30 days of the filing of all permit applications and reclamation plans. The State shall have 45 days to prepare written comments prior to any final action taken by the Review Authority. Any comments provided will be evaluated and a written response describing the disposition of the major issues will be included in the staff report. When the Review Authority's position is different from the recommendations and/or objections raised in the state's comments, the staff report shall describe in detail why specific comments and suggestions were not accepted.
- D. Reclamation plan review procedure.** The Department of Planning and Building will review the reclamation plan for accuracy and completeness, and coordinate review of the plan by other agencies. It will be processed following the procedure as described in Section 22.02.050 (Minor Use Permit), including the environmental review process and a subsequent public hearing. A reclamation plan will be accepted for review only when the Director has determined that the surface mining operation was established in compliance with legal requirements applicable at the time of its establishment. Such determination shall be based upon information submitted by the applicant, relevant county records, or a Certification of Vested Right previously issued by the County. Approval or conditional approval of a reclamation plan may be granted only upon making the finding that the reclamation plan or amendments thereto:
- 1. Adequately describes the proposed operation in sufficient detail and complies with applicable requirements of SMARA;
 - 2. Incorporates adequate measures to mitigate the probable significant adverse environmental effects of the proposed operation;
 - 3. Incorporates adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas, and to a use consistent with the General Plan. Where a significant environmental impact has been identified, all findings mandated by the Public Resources Code shall be made.

- E. Amendments.** Amendments to an approved reclamation plan can be submitted to the County at any time, detailing proposed changes from the original plan. Such amendments shall be filed with, and approved by the County using the same procedure required for approval of a reclamation plan by Subsection d.

[Amended 1994, Ord. 2696] [22.08.183]

22.36.060 - Financial Assurances for Guarantee of Reclamation

Appropriate security or guarantees shall be provided by the applicant to ensure proper implementation of the reclamation plan as required by the Public Resources Code, as a condition of issuance of a permit and/or approval of a reclamation plan. The guarantee may be in the form of a surety bond, trust fund, irrevocable letter of credit, or other financial assurance mechanisms acceptable and payable to the County and the State Department of Conservation (beneficiaries must be stated as "County of San Luis Obispo or Department of Conservation") and consistent with the procedure described in Section 22.62.040. The amount of financial assurances shall be determined and processed as follows.

- A. The applicant shall provide estimated total costs of reclamation and maintenance for each year or phase as approved in the Reclamation Plan. Cost estimates shall be prepared by a licensed civil engineer, licensed landscape architect, state-registered forester, mining operator, or other qualified professionals retained by the operator and approved by the Director. In estimating the costs, it shall be assumed without prejudice or insinuation that the operation could be abandoned by the operator and, consequently, the County or state may need to contract with a third party to complete reclamation of the site. Cost estimates shall include, but not be limited to, labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a third party.
- B. Two copies of the cost estimates, including documentation of the calculations, shall be submitted to the Director for concurrent review by the County and the state. One copy will be transmitted to the State Department of Conservation for their review. The state shall have 45 days to prepare written comments regarding consistency with statutory requirements prior to any final action taken by the County. When the Director's position is different from the recommendations and/or objections raised in the state's comments, the County will prepare a written response describing in detail why specific comments and suggestions were not accepted. Upon notification of approval of the financial assurances, the applicant will have 30 days to return a completed performance agreement and valid financial assurance mechanism to the Director.
- C. The amount of the financial assurance will be reviewed as part of the annual review of the operation by the County to determine if any changes are necessary. Where reclamation is phased in annual increments, the amount shall be adjusted annually to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim

reclamation, as necessary, for any partially excavated areas in compliance with the approved Reclamation Plan. Financial assurances for each year shall be reviewed upon successful completion of reclamation (including maintenance) of all areas that will not be subject to further disturbance and adjusted as necessary to provide adequate assurances for the following year. Prior to county approval, any amendments or changes to an existing financial assurance will be submitted to the state for its review.

- D. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency. Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the lead agency, which shall be forwarded to the operator and the state, that reclamation has been completed in compliance with the approved reclamation plan.

[Amended 1994, Ord. 2696] [22.08.184]

22.36.070 - Public Records

Reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter are public records unless the applicant states in writing that such information, or part thereof, would reveal production, reserves, or rates of depletion which are entitled to protection as proprietary information. The County shall identify and file such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted, including proprietary information, shall be furnished to the District Geologist of the State Division of Mines. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner. (See Public Resources Code Section 2778). [22.08.185]

22.36.080 - Annual Review

An annual inspection shall be conducted by the County for all active surface mining operations within six months of receipt of the operator's annual report filed with the State Department of Conservation and upon payment of the inspection fee to the County. The purpose of the inspection shall evaluate continuing compliance with the permit and reclamation plan. A fee for such inspections is established by the County fee resolution. All inspections will be conducted using a form provided by the State Mining and Geology Board. An inspector shall not be used who has been employed by the mining operation in any capacity during the previous 12 months. The County will notify the operator and the state within 30 days of completion of the inspection and forward copies of the inspection form and any supporting documentation. Any surface mine subject to this inspection requirement for which the inspection fee remains unpaid 30 days or more from the time it becomes due constitutes grounds for revocation of such permit or plan. Surface mining operations which are determined to be in violation by the County or the state may be subject to administrative penalties not to exceed five thousand dollars (\$5,000) per day, assessed from the original date of noncompliance, in compliance with Section 2774 of the Public Resources Code and as described in Chapter 22.74. [Amended 1994, Ord. 2696] [22.08.186]

22.36.090 - Nuisance Abatement

Any surface mining operation existing after January 1, 1976, which is not conducted in compliance with the provisions of the chapter, constitutes a nuisance and shall be abated in compliance with Chapter 22.74 (Enforcement). Any surface mining operation for which a vested right exists, but which is deactivated as of the effective date of this Ordinance constitutes a nuisance to be abated if surface mining operations are again started without compliance with the applicable provisions of this Chapter. [22.08.187]

22.36.100 - Underground Mining

The mining and extraction of subterranean mineral deposits by means of a shaft or tunnel is subject to the following standards.

A. Permit requirements. Conditional Use Permit approval is required:

1. To authorize the commercial production of ore; or
2. When the total volume of tailings produced exceeds 1,000 cubic yards; or
3. When any on-site processing of ore is proposed.

No land use permit is required for prospecting and exploration activities where the volume of tailings produced is less than 1,000 cubic yards, except when a grading permit is required by Chapter 22.52 (Grading), or any authorizations are required by the State Division of Mines and Geology, the Federal Mine Safety Administration, and/or California Regional Water Quality Control Board.

B. Surface operations. All surface operations in conjunction with an underground mine are subject to the standards for surface mining operations (Sections 22.36.010 through 22.36.090).

[Amended 1992, Ord. 2553] [22.08.192]

22.36.110 - Use of County Roads by Extraction Operations

In any case where a proposed resource extraction operation (including extraction wells, surface and subsurface mining) will use county roads for the conveyance of extraction equipment or extracted products, and when in the opinion of the County Public Works Department, the resource extraction operation would impact the County road to a degree that would likely cause the expenditure of additional maintenance funds, the applicant shall enter into an agreement with the County as provided by this Section prior to the commencement of any resource extraction operations. When an agreement is required, the applicant shall execute such an agreement with the County Public Works Department to deposit into the County road fund a sum to be determined by the County Public Works Department based upon the volume of resource being hauled over county roads as compensation for the increase in road use and road maintenance requirements generated by the project. [Added 1981, Ord. 2063; Amended 1992, Ord. 2553] [22.08.192]

Surface Mining and Reclamation

22.36.100

ARTICLE 5

Site Development Standards

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CHAPTER 22.50 - FIRE SAFETY

Sections:

- 22.50.010 - Purpose of Chapter
- 22.50.020 - Applicability
- 22.50.030 - Fire Safety Plan
- 22.50.040 - Fire Safety Standards

22.50.010 - Purpose of Chapter

The standards of this Chapter provide for precautions to minimize hazards to life and property in the event of fire.

22.50.020 - Applicability

Any proposed use that requires land use permit approval is subject to the provisions of this Chapter. [Amended 1991, Ord. 2523] [22.05.080]

22.50.030 - Fire Safety Plan

The purpose of a fire safety plan is to enable a fire protection agency that has jurisdiction over a proposed site to evaluate the adequacy of proposed fire protection measures, and to keep itself informed of new developments to evaluate their effect upon the ability of the agency to provide continuing service. The approval of a fire safety plan does not imply a commitment by any agency to an increased level of service.

A. Where required. A fire safety plan be submitted with a land use permit application as follows.

1. **Within urban and village reserve areas.** All land use permit applications shall be submitted to the applicable fire protection agency, except for single family dwellings proposed on existing lots where a letter from the applicable fire protection agency is submitted that verifies that adequate fire flow and fire hydrants exist.
2. **Rural areas.** All applications for uses proposed outside of urban or village reserve lines are to be submitted to the County Fire Chief or designated appointee, except agricultural uses not involving buildings and agricultural accessory buildings.
3. **Exception.** The requirements of this Section may be waived where the applicable fire protection agency verifies in writing that fire safety review is unnecessary.

B. Fire safety plan content.

1. **Urban and village areas.** A fire safety plan identify the location of the fire hydrant nearest to the site; the location of any emergency firefighting equipment or water supplies on the proposed site; the location of any explosive or flammable materials; and means of access to all structures available for firefighting equipment.

2. **Rural areas.** A fire safety plan include the location of. available water storage; any storage of fuel, explosives, flammable or combustible liquids and gases; and identification of the extent of proposed vegetative fuel reduction areas.
3. **Exception to content requirements.** Where the applicable fire protection agency determines that information provided with the project application and plans is sufficient to enable fire safety review without the need for a separate fire safety plan, the information required by Subsections B.1 and B.2 need not be supplied. A letter verifying the adequacy of application information shall be submitted to the Planning and Building Department.

C. Fire safety plan review.

1. **Timing of review.** Review of a fire safety plan be completed before approval of a Site Plan Review, Minor Use Permit or Conditional Use Permit application; and before application for construction permits in cases of Zoning Clearance approval.
2. **Effect of review.** Review of fire safety plans result in a recommendation to the applicant on the adequacy of proposed fire protection measures, which does not affect approval or disapproval of a project application, except.
 - a. Where the recommendations of the agency enforce the specific provisions of this Chapter or, where applicable, the Uniform Fire Code and the State Responsibility Area Fire Safe Regulations (Public Resources Code Section 1270 et seq.).
 - b. Where the authority vested in the fire protection agency enables the agency to mandate fire protection requirements for new development, such requirements shall be met before final building inspection has been granted or prior to occupancy where allowed by Section 19.04.042 (Occupancy or use of an incomplete structure).
 - c. In the case of applications for Minor Use Permit or Conditional Use Permit approval, recommended fire protection requirements shall be considered as conditions of approval in compliance with Section 22.62.060.C.2 (Conditional Use Permit Approval - Additional Conditions).

[Amended 1991, Ord. 2523; 1992, Ord. 2553] [22.05.082]

22.50.040 - Fire Safety Standards

In areas where fire protection is provided by the San Luis Obispo County Fire Department/California Department of Forestry and Fire Protection, new uses shall comply with applicable provisions of the Uniform Fire Code, 1988 Edition, or later edition adopted by County ordinance. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with the fire safety standards as required by the fire protection agency.

[Amended 1981, Ord. 2063; 1982, Ord. 2091; 1988, Ord. 2367; 1991, Ord. 2523]

[22.05.086]

CHAPTER 22.52- GRADING AND DRAINAGE

Sections:

- 22.52.010 - Purpose
- 22.52.020 - Purpose and Intent of Grading Regulations
- 22.52.030 - Administrative Procedures
- 22.52.040 - Grading Permit Required
- 22.52.050 - Exemptions from Grading Permits
- 22.52.060 - Fees
- 22.52.070 - Grading Permit Requirements
- 22.52.080 - Drainage Plan Required
- 22.52.090 - Erosion and Sedimentation Control Plan Required
- 22.52.100 - Groundwater Recharge
- 22.52.110 - Review, Approval and Permits
- 22.52.120 - Construction and Inspections
- 22.52.130 - Standards
- 22.52.140 - Enforcement and Interpretations
- 22.52.150 - Definitions

22.52.010 - Purpose

This Chapter establishes standards for the preparation of sites for development and construction activities, to protect the health, safety and welfare of persons living on or near a project site by protecting against unwarranted or unsafe grading, or soil erosion resulting from grading; by defining appropriate circumstances for tree removal; by providing for adequate drainage and fire protection facilities; and by identifying appropriate standards for other aspects of site development. [22.05.010]

22.52.020 - Purpose and Intent of Grading Regulations

The Board expressly finds that the regulations, conditions and provisions of this Chapter constitute minimum grading standards and procedures necessary to protect and preserve life, limb, health, property, and public welfare.

- A. This Chapter establishes standards for grading and excavation activities to mitigate or effectively:
1. Reduce hazards to life and property;
 2. Reduce the harmful effects of storm water runoff;
 3. Reduce drainage problems from new development;
 4. Protect against erosion and sedimentation;
 5. Enhance slope stability; and

Grading and Drainage

22.52.030

- 6. Encourage groundwater recharge.

B. This Chapter is also intended to:

- 1. Protect natural, scenic, and cultural resources; and
- 2. Provide for the safety, use, and stability of public rights-of-way and drainage channels; and
- 3. Prevent related environmental damage to private and public property.

This Chapter also establishes the administrative procedure for the issuance of permits and provides for approval of plans and inspection of grading construction.

[22.05.020]

22.52.030 - Administrative Procedures

All grading activities are to occur in compliance with the provisions of Chapters 29 and 33 of the currently adopted Uniform Building Code, which is hereby adopted and incorporated into this Title by reference as though it were fully set forth herein. In the event of any conflict between the provisions of this Chapter and Chapters 29 and 33 of the Uniform Building Code, this Title shall apply. *[22.05.022]*

22.52.040 - Grading Permit Required

Except as provided in Section 22.52.050.B and C. (Exemption from Permit Requirements), no person shall perform any grading, including both excavation or fill, without first obtaining a grading permit for such work. A separate permit shall be required for each site. Contiguous sites being graded as one integrated project may be considered one site for purposes of this Section.

In granting any permit in compliance with this Chapter, the Director and, where provided, the County Engineer, may impose such conditions as may be necessary to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property or to assure conformity to the County General Plan.

A. Grading. For the purposes of this Chapter, "grading" is defined as follows:

- 1. All new earthwork that involves one or more of the following activities: excavations, fills, dams, reservoirs, impoundments, diking, dredging borrow pits, stockpiling, or compaction of fill where the amount of material cumulatively for any of the above mentioned operations exceeds 50 cubic yards; AND
 - a. The excavation is more than two feet in depth, OR
 - b. Creates a cut slope greater than five feet in height and steeper than one and one half horizontal to one vertical; OR

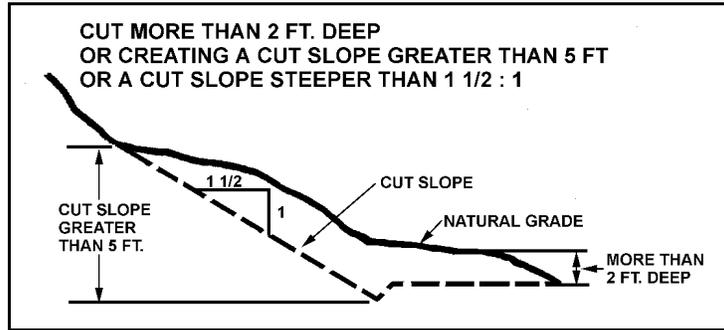


Figure 52-1

- c. Where the grading is intended to support structures, the fill is more than one foot in depth and placed on natural terrain with a slope exceeding five horizontal to one vertical; OR

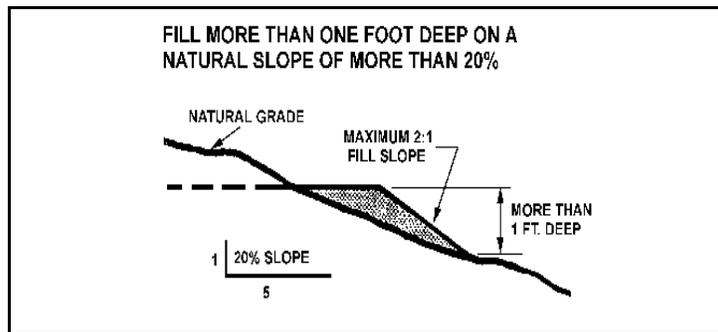


Figure 52-2

- d. Where the grading is not intended to support structures, the fill is more than three feet in depth, and does not obstruct or alter a drainage course.

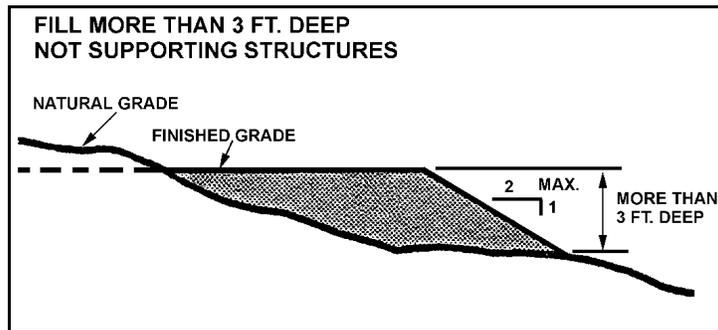


Figure 52-3

- B. Timing of approval.** A grading permit shall not be approved prior to the application for a building permit (if applicable), or prior to approval of a General Plan amendment, land use permit or land division if such approvals are necessary to completion of any project on the same site or prior to required approval of any state or federal agencies.

- C. Alternatives or modifications to approved plans.** The issuance of a permit in compliance with this Chapter shall constitute an authorization to do only the work that is described or illustrated by the grading plans and erosion control plans or specifications approved by the Director or drainage plans approved by the County Engineer. Any alternatives or modifications to approved plans shall be approved by the Director or, where applicable, the County Engineer.
- D. Correction to hazardous condition.** Whenever the director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the owner of the property, or other person or agent in control of the property, upon receipt of written notice from the Director, shall within the period specified therein, correct, repair or eliminate the condition and conform with the requirements of this Code.
- E. Professionals qualified to prepare grading plans.** Plans prepared for minor Grading Plans (as defined by Section 22.52.070.B) may be prepared by anyone who can accurately provide the necessary information for the application and Site Plan Review. This may include the applicant, a draftsman, certified sedimentation and erosion control specialist or licensed individuals who are normally involved with a project such as a civil engineer, architect, landscape architect, or certified sediment and erosion control specialist. Should additional information be required due to unique physical characteristics of the site, this may require the information be prepared by the appropriate licensed professional.

Plans prepared for an Engineered Grading Plan (as defined by Section 22.52.070.C) may be prepared only by professionals licensed by the State of California to prepare grading and drainage plans. The assistance of other licensed professionals, and or a qualified individual approved by the County or those with specialized skills, is encouraged including landscape architects, soil engineers, geologists, engineering geologists, certified sediment erosion control specialists, botanists, biologists, and archaeologists.

- F. Emergency work.** Section 22.62.080 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued. Written notification and a description of the work shall be submitted to the Director as provided by Section 22.62.080. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

G. Request for relief from ordinance provisions and standards.

1. A request for relief from the provisions of this Chapter, grading permit conditions of approval, or plan specifications, may be approved, conditionally approved, or denied by the Director. A request for relief must state in writing the provision that is proposed to be varied, the proposed substitute provision, when it would apply, and its advantages. The following findings shall be required to approve or conditionally approve a request for relief:
 - a. There are special individual circumstances or conditions affecting the property that make the strict letter of this ordinance impractical; and
 - b. No relief shall be granted unless the relief requested, is consistent with the purpose and intent of this Chapter and does not diminish the health and safety benefits that would be obtained in the absence of a grant of relief.
2. The Director may require additional information from professional engineering, engineering geology or geotechnical engineering or erosion control specialists opinions which are necessary to evaluate the requested relief.
3. As contemplated in this Section, the Director may grant alternative methods of construction or modifications for projects which could be constructed under the basic standard established in this Chapter, but which if relief is granted, can be better or equal to and more economically designed and constructed than if relief were not given. Relief shall not be granted if it would have the effect of allowing the construction of a project which would not be possible under the provisions of this Code without the relief.

H. Professional education program. In the event that the County adopts a certification Program for grading contractors, where state law requires that earthwork, grading, excavation or fill be performed by a licensed contractor, that licensed contractor shall also be certified by the County. Certification requirements shall be as established by the Board, and may include, but not necessarily be limited to, satisfactory knowledge and understanding of the County Grading, Drainage and Erosion Control Ordinance, and/or familiarity with and continuing education in accepted grading, drainage, erosion and sedimentation control methods.

[22.05.024]

22.52.050 - Exemptions from Grading Permits

A. Minimum requirements to determine exempt status. The following considerations must be addressed in determining if grading activities qualify for an exemption under Subsections B. (Non-agricultural exemptions) or C. (Agricultural exemptions).

1. Grading activities are not exempt within a geologic study area as shown in the Land Use Element, except for agricultural grading as provided under Subsection C. and geotechnical/geologic exploration.
2. Grading activities shall receive any necessary approvals from other County, state or federal agencies, regardless of whether the activity is exempt under this Chapter.

B. Exempt grading - Non-agricultural. The following section applies to all grading that does not satisfy the description for agricultural grading in compliance with Subsection C.

1. **Exemption from grading permit requirements.** The following grading does not require a grading permit. Exempt grading activities must conform to the minimum standards identified in Subsection A.

a. Excavations or fills:

- (1) The excavation of material below finished grade for tanks, vaults, basements, retaining walls, swimming pools or footings of a building or structure where such excavations are authorized and under the provisions of a valid Building Permit. This does not exempt any fill made with the material from the excavation.
- (2) Cemetery graves.
- (3) An excavation where the natural slope of the site is less than 20 percent and 1) less than two feet in depth, not exceeding 50 cubic yards of cumulative grading, or 2) does not create a cut slope greater than five feet in height, steeper than one and one-half horizontal to one vertical, not exceeding 50 cubic yards of cumulative grading (see Figure 52-4).
- (4) A fill less than one foot in depth, intended to support structures or improvements, placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1). (See Figure 52-4.)
- (5) A fill less than three feet in depth, NOT intended to support structures, and 1) placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1), 2) does not exceed 50 cubic yards on any one lot, and 3) does not obstruct a drainage course. (See Figure 52-4.)

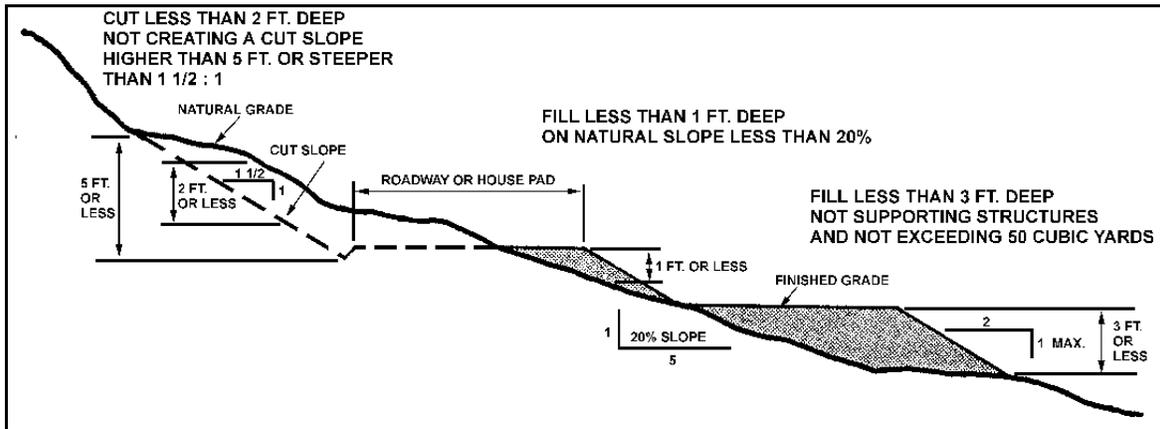


Figure 52-4

- (6) Excavations or fills for construction associated with improvement plans for final subdivision maps or public projects conducted or approved by the County Public Works Department if consistent with the standards, guidelines and provisions identified in this Chapter.
 - (7) Excavation or fill within a property dedicated, used, or to be used for cemetery purposes, unless grading is intended to support structures or affects natural drainage patterns.
 - (8) Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.
 - (9) Public works projects constructed by the County or its contractors as provided by Section 22.01.060.
- b. Exploratory excavations.** Temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads), which meet all the following criteria:
- (1) Affect or disturb areas less than 3,000 square feet in size;
 - (2) Do not involve more than a cumulative of 50 cubic yards of material;
 - (3) The natural slope of the site does not exceed 20 percent;
 - (4) Are under the direction and supervision of a soil engineer or engineering geologist or (where applicable) archaeologist;

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- (5) Does not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required.
- (6) Holes or trenches are protected as required by occupational safety and health agency standards.
- (7) Effective erosion control measures are utilized as set forth in Section 22.52.130d for all disturbed areas to be protected, restored and revegetation established before October 15 or within 45 days after the completion of work. This 45 days may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist in site revegetation.

c. Excavations for public utility connections.

- (1) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads), which meet all the following criteria:
 1. The natural slope of the excavated portion of the site does not exceed 20 percent; and
 2. Does not involve removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species; and
 3. Effective erosion control measures are utilized in compliance with Section 22.52.130.D to protect, restore and revegetate all disturbed area within 45 days after the completion of work or before October 15.
- (2) Excavation and fill of trenches for utility lines not exceeding 24 inches wide or an average of five feet deep, or holes for utility poles or anchors and limited accessory grading.
- (3) The initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material, effective erosion control and revegetation measures are utilized and the site restored.

- d. Clearing of vegetation and fuelbreaks.** Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by the County, state or federal statutes as rare, threatened or endangered) in compliance with CDF recommendations for fuel reduction for forestry or fire protection purposes. Tree removal is governed by Chapter 22.54.

- e. **Routine maintenance.** Routine maintenance of existing, exempt or previously-permitted roads or man-made, engineered flood control channels and levees, and public utility lines as provided in Section 22.52.050.B.1.c where width, length, or design capacity is not increased.
- f. **Water wells, tunnels, and water pipeline maintenance.** Excavations for wells, tunnels (except mining - see Chapter 22.36), and water pipeline maintenance (not to include grading for road work), disturbing an area which does not exceed an aggregate area of 1,000 square feet or exceed total grading (cut plus fill) of 50 cubic yards. Effective erosion control measures, revegetation, and site restoration are required.
- g. **Miscellaneous.**
 - (1) Refuse disposal sites approved by the County Health Department under the authority of Government Code Sections 66770-66774.
 - (2) Surface mining operations approved in compliance with Chapter 22.36 (Surface Mining). However, for conversion of a commercial surface mine to site only use the mine is reclaimed according to the approved reclamation plan and will require a grading permit be obtained.
 - (3) Grading that is a soil, water, and/or wildlife conservation or enhancement project for which a State Fish and Game Alteration Agreement and/or Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service or the State of California, Department of Water Resources, Central Coast Regional Water Quality Control Board technical staff.

C. Exempt grading activities - Agricultural. The County recognizes the importance of agriculture, the need for protection and conservation of agricultural activities and the use, education, and development of safe and environmentally responsible grading, earthwork, and erosion control practices. Exempt grading activities shall conform to the minimum standards identified in Section 22.52.050.A.

- 1. **Criteria for exemption.** All agricultural grading shall meet the following standards:
 - a. All excavated material shall be placed on the same or contiguous parcels.
 - b. Agricultural grading shall employ sound agricultural management measures and practices such as those recognized by USDA Natural Resource Conservation Service (NRCS) or Cooperative Extension that will not adversely affect slope stability, or groundwater recharge and will prevent off-site drainage, erosion and sedimentation impacts.

- c. Cut and fill slopes shall be successfully revegetated and maintained so that they complement continued, sound agricultural management practices such as those recognized by the USDA Natural Resource Conservation Service or the Cooperative Extension to encourage recharge and prevent erosion and sedimentation impacts.
2. **Exempt agricultural activities.** If the agricultural grading meets the minimum standards established in Subsection C.1, it may be determined to be exempt from a grading permit as follows:
- a. **Level One.** These grading activities are exempt from the grading permit requirements of Section 22.52.040 or review by NRCS/RCD. Generally, these are on-going routine practices and maintenance activities related to agricultural uses. Appropriate management practices are encouraged to be incorporated in the design and construction such as those in the Field Operations Technical Guide (FOTG) for the USDA Natural Resource Conservation Service. *(The practices referenced in the identified activities are taken from the FOTG, a copy of which is available through the County Department and the Resource Conservation District).*
 - (1) **Tillage activities.** Tillage for the production of food and fiber, the growing of plants, and the raising and keeping of livestock
 - (2) **Creation of new fields or range improvement.** Agricultural grading to prepare new land for crop production on less than 30 percent slopes (includes Practices 202, 462, 464, 466 -- Field Operations Technical Guide) which employ sound management practices such as those recognized by USDA Natural Resource Conservation Service or University of California Cooperative Extension.
 - (3) **Maintenance of drainage channels.** Routine maintenance of existing agricultural drainage channels provided that there is compliance with all applicable provisions of the California Department of Fish and Game.
 - (4) **Water pipelines.** Installation and maintenance of water pipelines to service agricultural fields or livestock. These should be installed under proper practices recognized by the Natural Resources Conservation Service and the University of California Cooperative Extension Service.
 - (5) **Water wells, tunnels, and water pipeline maintenance.** Excavations for wells, tunnels (except mining -- see Section 22.08.190 et seq), and water pipeline maintenance (not to include grading for road work), that permanently disturb an area which does not exceed an aggregate area of 22.52.1000 square feet or exceed total grading (cut plus fill) of 50 cubic yards). Effective erosion control measures, revegetation, and site restoration are required.

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- (6) **Maintenance of existing roads.** Routine maintenance of agricultural roads provided the maintenance does not increase the width of the road, is consistent with 22.52.050.C.2.b.(3), and the widening does not exceed the grading criteria as specified in Section 22.52.040.A.
 - (7) **Irrigation pit.** A small storage reservoir constructed to regulate or store a supply of water for irrigation and frost protection. (Practice 552A)
- b. **Level Two.** These grading activities are exempt from the grading permit requirements of Section 22.52.040 or the Resource Conservation District review required under Level Three when they incorporate and maintain specified applicable management practices as provided in the NRCS Field Operations Technical Guide.
- (1) **Hillside improvements.** Creation of hillside improvements on slopes less than 30 percent slopes including related drainage improvements, and trail and pathways serving the practice (includes practices 192, 423, 568, 575, and 600).
 - (2) **Drainage and irrigation.** Drainage and irrigation improvements related to improvements for crop production or range improvements. (Includes practices 335, 350, 356, 362, 412, 423, 447, 468, 554, 572, 587, 587A, 620, 638, 640).
 - (3) **Agricultural roads.** Those portions of new access roads located on slopes with a natural grade less than 30 percent and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities. Development of the road shall address soil stability, soil permeability, soil fertility for revegetation of side slopes. Exempt roads must be located within an Agriculture or Rural Lands land use category and outside of an urban or village reserve line, **or** within a Residential Rural land use category where the road is to serve an existing producing agricultural operation as determined by the Agricultural Commissioner's office (this determination may include documentation of the nature and extent of the agricultural use of the property that justifies the need for the road) **and** meet **all** the following criteria:
 - (a) Are solely for providing access to water supplies, outdoor equipment or supply storage areas, livestock grazing areas, producing fields, vineyards, or orchards, fire protection, or maintaining fence lines.

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- (b) Are providing access to **only** agricultural exempt buildings or structures. (Note: Agricultural roads providing access to residences or agricultural buildings or structures that require a construction permit [excluding sub-permits for electrical, plumbing, etc] are required to have a grading permit unless they do not exceed the criteria for grading as specified in Section 22.52.050.A. A grading permit **may** be required for the agriculturally exempt road in the future if it serves a structure that requires a construction permit. Further, the road may be required to meet all current standards.)
- (c) Are located on natural slopes less than 30 percent as measured on the area being disturbed. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the slope is greater than 30 percent.
- (d) Do not create a cut or fill greater than three feet in height visible from a public road.
- (e) Do not create a roadway more than 16 feet in width.
- (f) Are located more than 50 feet from the top of the bank of any blue line stream shown on the latest USGS 7-1/2 minute topographic quadrangle. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the grading is located within 50 from the top of the bank. All work must be in compliance with applicable provisions of the Department of Fish and Game.
- (g) Have properly designed and placed culverts, water bars or other erosion control features such as those recognized by the USDA Natural Resource Conservation Service, U.S. Forest Service, and Cooperative Extension Service. Cut and fill slopes can be successfully revegetated and maintained so that they complement continued sound management practices. Vegetation buffer strips are maintained where present between the road and streams to trap sediment before it reaches the stream.
- (h) Are sloped outward or inward at a minimum of two percent;
- (i) Do not divert drainage onto adjacent properties.
- (j) Do not discharge or threaten to discharge silt on adjacent properties, roads, sensitive resource areas, or into streams as shown on the latest USGS 7-1/2 minute topographic quadrangle.

- (k) New roads that are constructed between April 15 and October 15th; unless temporary erosion control measures are in place and the reseeded is assured to occur in the appropriate months for germination as approved by a soil erosion specialist.
- (4) **Streambank protection measures.** Streambank protection measures when using NRCS Practices and with appropriate Fish and Game licenses, Regional Water Quality Control permits, and Army Corp permits as required. (Includes practices 195, 204, 582, 584).
- (5) **Trail and recreation enhancements.** Agricultural production support activities for trail and recreation enhancements of property. (Includes practices 566, 568).
- (6) **Firebreaks.** Firebreaks where a strip of bare land or vegetation is designed to retard fire. (Practice 394).
- (7) **Soil, water, or wildlife conservation project.** Grading that is a soil, water, and/or wildlife conservation/enhancement project for which a State Department of Fish and Game Alteration Agreement and/or an Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service, or the California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board technical staff.

Note: *While the above activities are exempt grading for the purposes of this County's ordinance, you may need to contact the Department of Fish and Game, Regional Water Quality Control Board, Army Corps., U.S. Fish and Wildlife Service, or the California Department of Forestry to ensure the activities comply with their permit or license requirements.*

State law requires stopping work and notifying the County Coroner in the event human remains are discovered. It is recommended that earth disturbing activities be avoided in areas of known or suspected burials or archaeological resources.

- c. **Level Three.** The following activities require a grading permit in compliance with section 22.52.040 unless the applicant elects to use alternative review, inspection, and sign-off through the Resource Conservation District (RCD) to ensure that appropriate management techniques are incorporated in the project design and construction.

For any Level Three agricultural grading the applicant may request that an alternative review procedure be used in lieu of the grading permit requirements of Section 22.52.070 et seq. The alternative review procedure allows grading to be approved, inspected, and signed-off through the Resource Conservation District (RCD) rather than through a grading permit reviewed by the Department of Planning and Building where it has been determined that the proposed agricultural grading is

necessary and appropriate to support a recognized agricultural enterprise for the site and incorporates "best management practices".

- (1) Applicants electing the alternative review procedure shall submit a summary of the agricultural activity proposed and the manner in which it is to be accomplished for review by the Agricultural Commissioner's Office after consultation with the Resource Conservation District. The submittal shall meet all requirements of the Agricultural Commissioner's Office and Resource Conservation District (RCD) including:
 - (a) Applicant name, address, telephone numbers and agent information where applicable.
 - (b) Site description and location information, physical address or description of the site location or vicinity map.
 - (c) Historical and current agricultural use of the site.
 - (d) Project description that includes an explanation of the need or purpose of the grading including how the grading benefits the overall agricultural operation and a site map that characterizes the need or purpose of the grading.
- (2) Activities that are determined to be inappropriate for the site or unnecessary for recognized legitimate agricultural purposes require a grading permit and environmental review where appropriate.
- (3) Level III agricultural grading includes:
 - (a) Proposed stock ponds and irrigation and frost protection ponds, that are in areas where the USGS map does not designate the site as a lake, marsh, perennial or intermittent "blue line" stream. (Including offstream practices 349, 378, 397, 400, 402, 404, 436, 552B). *This type of grading may require review by the Division of Water Rights and the Department of Fish and Game.*
 - (b) Those portions of new access roads located on slopes with a natural grade over 30 percent developed and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities **or** when the proposed roads do not meet **all** the criteria in Level 2.
 - (c) Hillside benches for orchards and vineyards on slopes over 30 percent. (Practices 192).

- (d) Major streambank/shoreline protection structures and runoff management systems. (Includes practices 570, 204, 580). *This will require appropriate review by the Department of Fish and Game and the Army Corp of Engineers.*
- (e) Waste management system improvements. (Including practices 313, 313B, 359). *This may require review by the Regional Water Quality Control Board, Air Pollution Control District, and Environmental Health.*

d. Level Four - Grading Permit required from Department of Planning and Building. The following agricultural and associated grading requires the issuance of a grading permit in compliance with Sections 22.52.070 et seq.

- (1) **Grading for structures.** Any excavation or fill to support a structure, (including agriculturally exempt buildings or structures, residential uses, etc.).
- (2) **Driveways.** An access driveway from an existing road to a structure which requires a County construction permit (excluding sub-permits for electrical, plumbing, water wells, etc.)
- (3) **Nursery specialty projects.** Grading for areas which are to be used for nursery specialties that involve the use of a structure, or buildings for which a County construction permit may otherwise be required. Provided that grading to create areas for field grown crops shall be exempt as provided by Subsection C.2.a. (Exempt agricultural activities).
- (4) **Equestrian facilities.** Grading for horse training, boarding or breeding facilities, horse tracks or arenas, or polo fields. This Section applies only to these activities as they are defined as “Specialized Animal Facilities” and “Sports Assembly” in Article 8.
- (5) **Instream dams and reservoirs.** This includes stock ponds, irrigation and frost protection ponds unless exempted by Section 22.52.070.C.1. (This shall not include those exempt soil, water or wildlife conservation projects as provided in Level II or offstream exemptions as provided in Level III).
- (6) **Source material for improvements.** Grading to obtain source material for improvements on site, which are not covered under the provisions of the Surface Mining and Reclamation Act (SMARA). [22.05.026]

22.52.060 - Fees

Fees for grading permits and grading, drainage, and erosion control plan checking shall be as set forth in the fee ordinance adopted by the Board. In compliance with the adopted fee schedule, the Director may require payment of actual recorded costs, plus overhead, for those applications which will exceed County fees for processing, plan checking, administration, and/or inspection. [22.05.028]

22.52.070 - Grading Permit Requirements

A. Grading Plan content. To apply for a grading permit, a grading permit application be submitted, together with the additional information required by this Section. Where grading that requires a permit is proposed in conjunction with a Site Plan Review, Minor Use Permit, or Conditional Use Permit request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted. This Section modifies Section 3309 of the Uniform Building Code.

A grading permit application include a grading plan which includes the information specified by this Section. A grading plan be legible and accurately drawn to scale using standard drafting techniques. Plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Chapter and all relevant codes and regulations. Plans shall include, but not be limited to, the following information unless waived by the Director:

1. The name, address, and phone number of the owner and the person by whom the plans were prepared.
2. A description of the land upon which the work is to be performed, including Assessor's Parcel Number, street address, tract, block, and lot number.
3. An accurate location map showing the project in relation to the area or surrounding community.
4. An accurate map showing limits of grading activities.
5. Existing or natural ground contours, and proposed ground contours at maximum two foot intervals for area to be graded and five foot intervals for remainder of site. On rural parcels exceeding 50 acres, existing and proposed contours shall be shown at two foot intervals for area to be graded, and the remainder of site at 20 foot intervals. The latest USGS topographic maps may be used as a source of information for the 20 foot intervals.
6. The location of all existing and proposed surface and subsurface drainageways and drainage systems on the site and adjacent property which may affect or be affected by the proposed project.
7. Elevations of the edge of pavement or road at driveway entrance.

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8. Elevation of the finish floor of the garage or other parking areas and ground and finish floor elevations at the base of building or structure corners.
9. The location of all existing and proposed buildings, structures, easements, groundwater recharge areas, wells or sewage disposal systems on site, and the approximate location of these items on adjacent property that are within 100 feet of the property boundary or which may affect or be affected by the proposed project. Show spot elevations at corners of existing and proposed buildings or structures and lots where proposed grading will occur.
10. Any required retaining walls or other means of retaining cuts or fills.
11. An estimate of the volume of earth to be moved, expressed in cubic yards. This may require calculations to support the estimate if determined to be necessary. Specify amounts of cut and fill. Identify location of site(s) to receive fill, showing area and depth of fill. If excavated materials are exported provide statement of method of disposal and proposed location(s).
12. Location, description, type or topographic description of existing rock outcropping, natural feature, vegetation, wooded area or trees six inches or greater in diameter measured 4.5 feet above ground level proposed for disturbance and/or removal. Botanical, archaeological, or biological surveys prepared by a qualified individual may be required if warranted. Show centerline of streams and flood plain lines, if applicable. Clearly identify on the plan the boundary and general characteristics of areas within which no disturbance will occur.
13. An estimate of the maximum and minimum vertical depth of cuts and fills, expressed in feet and cut and fill slope ratios.
14. An estimate of the total area of site disturbance, expressed in square feet or equivalent metric measurement. This total shall include all vegetation removal in addition to soil disturbance.
15. An estimate of total area in square feet or equivalent metric measurement of natural vegetation to be removed.
16. Other additional plans, drawings, calculations, or information deemed necessary by the Director to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms with the requirements of this Chapter and other applicable provisions of this Code.

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B. Minor Grading Plan requirements. Where Section 22.52.050.A requires a grading permit and the grading will involve less than 5,000 cubic yards; is located on slopes less than 20 percent; is not located within a Geologic Study Area or Flood Hazard combining designation, and is not located on soils identified on public soils surveys as being prone to slides or slippage, the application for a grading permit include the following, unless waived by the Director:

1. All items required by Section 22.52.070.A for a grading plan.
2. Photograph(s) (attached to plans) which clearly show area to be disturbed and characteristics of site.
3. A copy of a soils map and soils descriptions covering the project site and adjacent properties (available for free through the USDA Natural Resource Conservation Service, Upper Salinas - Las Tablas and Coastal San Luis Resource Conservation Districts).
4. Clearly shown groundwater recharge methods that have been incorporated into the project design.
5. Proposed sequence and construction schedule of excavation, filling, stockpiling and other land disturbing activities.
6. A statement as to the specific intentions or ultimate purpose for which the grading is being performed.
7. A drainage plan if required by Section 22.52.080.
8. An erosion and Sedimentation Control Plan (Section 22.52.090), including protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. (This information shall be submitted in the form of a sedimentation and erosion control plan in compliance with Section 22.52.110, when required by that Section.)
9. When required by the Director, each application for a grading permit shall be accompanied by two sets of supporting data consisting of a civil engineering report, soil engineering report, engineering geology report, erosion and sedimentation control report, and/or any other reports necessary. In many instances this information may be shown on the face of the plan.

Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports that are approved by the Director shall be incorporated into the grading plan. (See Section 22.52.070.C, Engineered Grading Requirements.)

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10. A work schedule. Prior to final permit issuance, submit the following information:
 - a. Proposed grading schedule or construction sequence.
 - b. Proposed sequence of all erosion and sediment control methods, practices, and devices, and methods of cleaning and disposing of accumulated sediment collected by temporary and permanent sediment control devices.
 - c. Amount of time needed to complete grading activities, and the number and types of earth moving equipment to be used.
 - d. Testing, schedule for compacted fills.

11. Other required information.
 - a. A notation stating the amount and location of any material to be deposited in areas other than those shown on the plan.
 - b. Proposed source(s) and amount of material to be used for fill from areas other than those shown on the plans. If the source changes due to other materials becoming available, this information shall be provided to the Department of Planning and Building as known.
 - c. Proposed routes for hauling material, hours of work, and methods of controlling dust.

When the Director has cause to believe that geologic hazards may be involved, minor grading shall be required to conform to engineered grading requirements.

C. Engineered Grading Plan requirements. If proposed grading will involve 5,000 cubic yards or more, is located on slopes of 20 percent or greater, or is located within a Geologic Study Area or Flood Hazard area, the grading plan be prepared and signed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include specifications covering construction, inspection and material requirements in addition to the information required for minor grading (Section 22.52.070b).

The following reports shall be required:

1. **Site and drainage report.** The site and drainage report, shall include, but not be limited to:
 - a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

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- b. Hydrology calculations showing maximum peak discharges of water runoff for 10-year and 100-year storm frequencies and comparison of runoff with and without project. Hydraulic calculations for existing down stream runoff conveyance systems that will be impacted by the proposed project runoff.
 - c. Summary of the groundwater recharge methods that have been incorporated into the project design.
 - d. Inspection and approval to establish lines and grades, design criteria for corrective measures, including the required safe storm drainage capacity of channels both on- and off-site; and
 - e. Soils, geology, or civil engineer's opinions and recommendations concerning adequacy of site to be developed by the proposed grading.
 - f. Sequence and type of recommended inspections.
- 2. Geotechnical report.** The Geotechnical Report, shall contain, but need not be limited to, all the following information:
- a. The date the report was prepared and the name, address and phone number of firm or individual who prepared the report.
 - b. Data regarding the nature, distribution, and strength of existing soils.
 - c. Data regarding the nature, distribution, and strength of soil to be placed on the site, if any.
 - d. Conclusions and recommendations for grading procedures.
 - e. Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction is completed.
 - f. Design criteria for corrective measures including buttress fills, when necessary.
 - g. Identify existing cuts and fills on site, recommended measures for compaction, slope stability and other factors affecting suitability for support of a structure.
 - h. Engineer's opinions and recommendations concerning adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
 - i. Sequence and type of recommended inspections.

- 3. Engineering geology report.** The engineering geology report, shall contain, but need not be limited to, the following information:
- a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.
 - b. An adequate description of the geology of the site.
 - c. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
 - d. An opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.
 - e. Need for underground drainage devices or opportunities for underground recharge devices.
 - f. Sequence and type of recommended inspections.
 - g. If the proposed grading is for a habitable structure, and the geologist has identified evidence of recent fault ruptures occurring near the proposed structure, additional geological information will be necessary. The guidelines suggested in the California Division of Mines and Geology Notes #49 or subsequent additions shall be used to prepare this supplemental report.

[22.05.030]

22.52.080 - Drainage Plan Required

- A. Requirement criteria.** The requirements of this Section apply to all projects and activities required to have land use permit approval. Drainage plans are reviewed and approved by the County Engineer. Drainage plans are to be submitted with or be made part of the Zoning Clearance, Minor Use Permit, Site Plan Review, Conditional Use Permit or grading permit application for a project that:
1. Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or
 2. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or
 3. Will result in an impervious surface of more than 20,000 square feet; or
 4. Is subject to local ponding due to soil or topographic conditions; or

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5. Is located in an area identified by the County Engineer or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or
6. Is located within a Flood Hazard (FH) combining designation; or
7. Is located over a known high recharge area identified by the County Engineer; or
8. Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse shown with a blue line on the most current USGS 7½ minute quadrangle map; or
9. Involves hillside development on slopes steeper than 10 percent; or

B. Drainage plan content. Drainage plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. The County Engineer may require drainage plans to be prepared by a registered civil engineer.

1. **Basic drainage plan contents.** Except where an engineered drainage plan is required, a drainage plan include the following information about the site:
 - a. Flow lines of surface and subsurface waters onto and off the site.
 - b. Existing and finished contours at two-foot intervals or other topographic information required by the County Engineer.
 - c. Building pad, finished floor and street elevations, existing and proposed.
 - d. Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins.
 - e. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.
 - f. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

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- g. Proposed flood-proofing measures where determined to be necessary by the County Engineer.
2. **Engineered plan content.** Engineered drainage plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection B.1.

[22.05.032]

22.52.090 - Erosion and Sedimentation Control Plan Required

A. **Requirements.** An erosion and sedimentation control plan shall be required as part of the grading permit application except when all of the following site characteristics exist:

- 1. Site has a maximum slope less than 10 percent in the area to be graded;
- 2. Site is not located within geologically unstable areas;
- 3. Site is located on soils rated as having a low erosion hazard by the USDA Soil Conservation Service (unless area building inspector is aware of the potential for erosion problems in the area).
- 4. Site is located more than 300 feet from the top bank of any blue line water course or water feature shown on the most current 7 1/2 minute USGS quadrangle map.
- 5. The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainageway, watercourse, or onto adjacent properties by rainfall or runoff.
- 6. All grading and site disturbance activities will: 1) occur after April 15 and before October 15 and 2) will create minimal site disturbance from combined activities.

B. **Erosion and sediment control plan content.** An erosion and sediment control plan shall address both TEMPORARY and FINAL measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year. Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resource Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation.

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The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of this Chapter. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall contain, but need not be limited to, all the following information unless some of the information is waived by the Director as not needed for the review of a particular site and its characteristics:

1. Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.
2. Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)
3. Proposed methods and a description of the practices to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.
4. Proposed temporary and final methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.
5. When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall a) grow reasonably quick; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and statewide importance (as identified by the Agricultural Commissioner's Office). Larger areas to be reseeded should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.
6. Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized measures, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

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7. Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. Erosion control methods may include a combination of approved mechanical or vegetative measures, including those described in USDA Soil Conservation Service Bulletin 347 - Controlling Erosion on Construction Sites or the Drainage Improvement Guide for Unpaved Roads.
8. The type, location, and extent of pre-existing and undisturbed vegetation on the site.
9. An estimate of the cost of implementing and maintaining all erosion and sediment control practices where bonds or other financial assurances are proposed or required.
10. A statement by the individual preparing the plan that the plan represents the minimum site disturbance necessary to achieve erosion and sediment control.
11. Descriptions of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.
12. Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they conform with the requirements of this Chapter.

C. Regional Water Quality Control Board review. For projects that disturb greater than five acres of land, the Erosion Control Plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General Permits for Construction Activity administered by the State Water Resources Control Board and the Regional Water Quality Control Board.

D. Field and weather conditions. If field or weather conditions warrant, the Director may require erosion and sedimentation control if not originally required or modification of the erosion and sedimentation control methods, procedures, or devices after grading activities commence.

22.52.100 - Groundwater Recharge

A. Requirements. Groundwater recharge elements must be included in the project design to mitigate the impacts on recharge caused by the reduction in the permeability of soil areas on the site except when the following site characteristics exist:

1. High groundwater in the area limits the effectiveness of recharge efforts or enhancing groundwater recharge would create additional problems related to high groundwater.
2. The entire site being developed is shown to contain impervious soils that would not benefit from recharge efforts.

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3. There is a known geologic instability that would be negatively impacted by increased groundwater recharge.
4. It can be demonstrated that no additional runoff will occur from the development.
5. Federal or state regulations prohibit recharge.

B. Groundwater recharge. All areas on the project site that will become impervious or will have their soil permeability impaired (such as compacting soil under an all weather driveway) must be mitigated to the maximum extent practicable with recharge enhancement elsewhere on the parcel. Offsite mitigation is a secondary alternative.

The Design Elements for Enhancing Groundwater Recharge handout available from the Department of Planning and Building has numerous ideas and design elements that can be incorporated into the project. This is not a complete list; developers are encouraged to incorporate other ideas that will retain water in a manner that encourages soil contact and percolation. The project plans should clearly indicated the capacity of each recharge area.

[22.05.034]

22.52.110 - Review, Approval and Permits

A. Environmental review.

1. **Environmental determination.** As required by Title 14 of the California Administrative Code, all grading permit applications are to be reviewed by the Environmental Coordinator for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This Section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304 or 15061(b)(3) of the State CEQA Guidelines. Exempt applications are those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earth moving, are not located within a Sensitive Resource Area combining designation, and are consistent with criteria for approval in Subsection B.1.

In any case where a drainage plan is required by Section 22.52.080 and an environmental determination is not otherwise required by Section 22.62.060 (Conditional Use Permit), Chapter 22.14 (Combining Designations), or Section 22.52.050 (Exemptions from Grading Permits), the project application shall be subject to an environmental determination in compliance with Section 22.62.060.B.1 before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA.

Unless exempt, no action shall be taken to approve, conditionally approve, or deny a grading permit or drainage plan until it is.

- a. Accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

- b. Accompanied by a duly issued and effective negative declaration; or
 - c. Accompanied by a certified environmental impact report.
- 2. EIR required.** Where an environmental impact report (EIR) is required in compliance with CEQA and;
- a. If a Conditional Use Permit is not required by other provisions of the title, a grading permit application shall be processed, reviewed, and approved according to all the provisions of Section 22.62.060 (Conditional Use Permit), and the criteria of Subsection B.1 (Criteria for Approval); or
 - b. If the Conditional Use Permit is required by other provisions of this Title, a grading permit application shall be processed, reviewed, and approved according to the provisions of this Section, including a requirement that the grading permit application shall be consistent with and satisfy all condition of approval of the Conditional Use Permit.
- 3. EIR not required.** Where a grading permit is determined to be exempt from the provisions of CEQA or has been granted a proposed negative declaration, the Review Authority may approve the environmental determination and the permit where the proposed grading is in conformity with applicable provisions of this Title, provided.
- a. The Director may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not addressed at the time the permit was issued.
 - b. Where a proposed negative declaration for a grading permit has been issued upon an agreement by the applicant to incorporate mitigation measures into the project that are necessary to reduce its environmental impacts, such mitigation measures shall be added and shown on the grading plans prior to permit issuance, and their completion and inspection shall be required prior to final inspection approval.
 - c. The comment period for the negative declaration has expired and no comments have been submitted.
 - d. The grading permit received an exemption under CEQA.

B. Approvals.

1. Criteria for approval.

- a. **Grading plan.** A grading permit may be issued where the Director first finds, where applicable, that
 - (1) Proposed grading is consistent with erosion control plan requirements (Section 22.52.090) and applicable standards (Section 22.52.130.D);

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- (2) The proposed grading design is consistent with the characteristics and constraints of the site;
 - (3) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;
 - (4) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;
 - (5) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;
 - (6) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized.
 - (7) Unless overriding findings have been made, the proposed grading will not create substantial adverse long-term visual effects.
 - (8) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit and that adequate sewage disposal and water supplies are available.
- b. Drainage plan.** All drainage plans shall be submitted to the County Engineer for review, and are subject to the approval of the County Engineer, prior to issuance of a land use, grading or construction permit, as applicable.
- (1) **Appeal.** Actions of the County Engineer on drainage plans may be appealed to the Board in compliance with the procedure set forth in Section 22.70.050; except that where the site is within a Flood Hazard combining designation, the procedure described in Section 22.14.060.D.4 shall be used.
 - (2) **Plan check, inspection and completion.** Where required by the County Engineer, a plan check and inspection agreement be entered into and the drainage facilities inspected and approved before final project approval is issued.
- 2. Optional conditions of approval.** The Director may refer application materials to appropriate agencies for review and comment prior to grading permit approval. In granting any permit in compliance with this Chapter, the Director may impose conditions as reasonably necessary to prevent adverse environmental impacts, nuisances, or unreasonable hazards to persons, public or private property, sensitive resources, existing vegetation, or cultural resources. The Director may modify or add conditions to any valid permit granted in compliance with this Chapter when the Director finds that the

modification or addition is reasonable and necessary to prevent creation of a nuisance, hazardous condition, or unreasonable hazard to persons, private property, sensitive resources, existing vegetation or cultural resources. Conditions may include, but are not limited to:

- a. Improvement of any existing grading to bring it up to the standards required by this Chapter for new grading.
 - b. Requirements for fencing of excavations or fills which would otherwise be hazardous.
 - c. Adequate dust control measures by watering or other acceptable methods recommended by the Air Pollution Control District and approved by the Director.
 - d. An approved operational plan for creating, using and restoring a borrow area or pit.
 - e. Compliance with the purpose and intent of these grading, drainage, erosion and sedimentation control regulations (Section 22.52.020) or the grading, drainage, erosion and sedimentation control standards of Section 22.52.130.
 - f. Requirements for fencing or other protective measures around cultural resources, native trees, riparian or wetland vegetation, or other sensitive resources identified for protection.
 - g. Mitigation measures identified in the project's negative declaration, developer's agreement, or environmental impact report.
 - h. Haul routes for materials and hours of operation.
 - i. Requirements necessary to implement the recommendations identified in the project's civil engineering report, soils engineering report, engineering geology report, or erosion and sedimentation control plan.
 - j. Transfer of responsibility agreement if original civil engineer, soils engineer, engineering geologist, erosion control specialist, or grading contractor is replaced.
 - k. Additional groundwater recharge measures if the project site is known as a valuable groundwater recharge area.
- 3. Security.** The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the Uniform Building Code and Section 22.64.040, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural condition. The Director may also identify minor grading permits that require such security to ensure that environmental impacts are mitigated.

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- a. A performance agreement and security posted with the County may be required if, in the Director's opinion, site characteristics including slope, proximity to waterways or neighboring structures, or sensitive resources, or the nature of work to be performed warrant a guarantee.
- b. The guarantee of performance shall be on one hundred percent, (plus 20 percent for contingencies, engineering and inspection) of the full amount required to assure completion, restoration and/or remediation, based upon estimates approved by the Director and a must provide a right of entry from the property owner.
- c. Every guarantee of performance shall be made on the conditions that the permit holder shall.
 - (1) Comply with all the provisions of this Code, applicable laws and ordinances.
 - (2) Comply with all of the terms and conditions of the grading permit.
 - (3) Complete all grading, drainage and erosion control work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this Chapter. The Director may, for sufficient cause, extend the time specified in the permit, but no extension shall release the owner or the surety on the bond or person issuing the instrument of credit.
- d. Each guarantee of performance shall remain in effect until the completion of the work as specified according to the plans, specifications, and terms and conditions of the grading permit to the satisfaction of the Director.
- e. In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the Director may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous conditions and leave the site in a safe condition. The Director may order the work authorized by the permit to be completed to a safe and stable condition to the Director's satisfaction, or may order restoration of the site to pre-graded or natural condition, or such condition deemed appropriate by the Director. The permit holder and/or the surety executing the performance agreement shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.
- f. The guarantee of performance, less costs of remedial work, if any, shall be released when the Director determines that the erosion, sediment control, and revegetation practices have adequately stabilized the site.

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- g. The grading permit may provide for the partial release of the bond or other security required by this Section upon the partial acceptance of the work in compliance with Section 22.52.110.C.5 (Notification of Completion).
 - h. Any contractor or other person engaged in continuous or repeated excavations or, in the case of a construction permit, concurrent with that permit, may provide a blanket security or blanket deposit in the amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Director may require additional security or deposit to insure completion of all work being done at any one time.
4. **Restriction on grading approvals.** If grading is for the creation of, or access to, a building site, land disturbance shall not take place until a building permit has been accepted for processing. If grading is for a proposed project which requires discretionary approval, grading shall not take place until approval(s) are received and required appeal periods expire. If plan approval cannot be issued until determination of adequate water and/or sewage disposal or other required site investigation is made, land disturbance shall be limited to the extent necessary to allow such an investigation. Erosion control measures and/or site restoration shall be required after site investigations are completed. This provision shall not apply to subdivision improvements or road construction required as a condition of approval of a land division.

C. Permits.

- 1. **Permit application procedure.** An application for grading permit consists of written and graphic information in compliance with Section 22.52.070.A (Grading Plan Content). Not all applications require the same level of information. In some situations, additional information may be required after initial review based upon the nature, degree, or location of proposed work.
- 2. **Permit time limits.**
 - a. **Commencement of grading.** An approved grading permit is valid for a period of one year from the effective date of the permit, after which the permit shall expire unless.
 - (1) Grading has begun; or
 - (2) An extension has been granted as set forth in this Section.

- b. If restoration is required of a site by the Director, restoration plans, prepared by a certified Sediment and Erosion Control Specialist or by other additional qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the fee that would be charged for a grading permit fee for the same work. Restoration shall be made in conformity with the approved plans.
5. **Notification of completion.** The permit holder shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage and recharge facilities and their protective devices, and all erosion and sediment control measures have been completed in compliance with the final approved plans, and the required reports have been submitted and approved by the Director.

[22.05.036]

22.52.120 - Construction and Inspections

A. Construction procedures.

1. **Preconstruction meeting.** Due to characteristics of the site, nature of proposed work or required mitigation measures, the Director may require a meeting prior to any site disturbance or grading activities involving any of the following: applicant, grading contractor, engineer or other professional consultant, grading inspector or other employees of the Department of Planning and Building.
2. **Modifications to approved plans.** No work based upon any modifications to the approved plans shall proceed unless and until such modifications have been approved by the Director, and where applicable, the County Public Works Department. The proposed change shall not result in greater environmental impacts not considered in the approved environmental document. Change orders must be reviewed expeditiously to allow the job to be able to proceed.
3. **Exposure of work.** Whenever any work for which inspections are required is covered or concealed by other work without having been inspected, the Director may require that such work be exposed for examination.
4. **Grading hours - Limitations.** No grading work (except for agricultural exemptions and emergency operations specified in Section 22.52.050), which requires a grading permit under the provisions of this Chapter shall take place between the hours of 7:00 p.m. and 7:00 a.m. weekdays and between the hours of 5:00 p.m. and 8:00 a.m. on the weekends, unless the Director or approved conditions of a land use permit finds that such operation is not likely to cause a significant public nuisance and authorizes expanded or night operations in writing. Hours of operation on the weekends may be further regulated by conditions of the grading permit.

5. **Dust debris - Control.** All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in conformance with the requirements of the San Luis Obispo County Air Pollution Control District to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times. (See Mitigation Guidelines for Air Quality Impacts from construction prepared by APCD.)

6. **Responsibility of permit holder.**
 - a. The permit holder and agents shall carry out the proposed grading in compliance with the approved plans and specifications, conditions of the permit and the requirements of this Chapter and conditions and permits as required by the Director.

 - b. The permit holder and agents shall maintain all required protective devices, sedimentation and erosion control devices, and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working hours, dust controls and methods of hauling. The permit holder and agents shall be responsible for maintenance of the site until final inspection. The permit holder or agents shall become subject to the penalties set forth herein in the event of failure to comply with this Chapter and other applicable laws of the County. No approval shall exonerate the permit holder or agents from the responsibility of complying with the provisions and intent of this Chapter.

 - c. During grading operations the permit holder shall be responsible for the prevention of damage to any roadways, public improvements, utilities or services. This responsibility applies within the limits of grading and along any equipment travel routes.

 - d. Notwithstanding the minimum standards set forth in this Chapter and Uniform Building Code Chapters 29 and 70, the permit holder is responsible for the prevention of damage to adjacent property and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, trees, vegetation, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

B. Inspections.

1. **Specific inspections.** Not all grading projects require the same type or frequency of inspections by the Department of Planning and Building. One or more of the following inspections will be required, based upon characteristics of the site and nature of work proposed.

- a. **Initial site inspection.** Prior to permit approval and plan checking.
 - b. **Initial inspection.** After permit issued, but before any site disturbance, grading, demolition, grubbing, brushing, or clearing is started. Erosion and sedimentation control measures must be in place if required.
 - c. **Toe inspection.** After the natural ground is exposed and prepared to receive fill, but before any fill is placed.
 - d. **Excavation inspection.** After the excavation is started but before the vertical depth of the excavation exceeds 10 feet.
 - e. **Fill inspection.** After the placement of fill is started, but before the vertical height of the fill exceeds 10 feet, and at two foot vertical increments thereafter unless waived by the Director. In addition, the fill must be inspected by a qualified lab requiring testing for each two feet of fill.
 - f. **Drainage or groundwater recharge device inspection.** After forms and pipe are in place, but before any gravel or concrete is placed.
 - g. **Key and bench inspection.** After keys and benches are excavated, but before fill is placed.
 - h. **Rough grade inspection.** When all rough grading has been completed.
 - i. **Final inspection.** When all work, including installation of drainage structures, other protective devices, erosion control, planting and slope stabilization have been completed and the "as-graded" plan and required reports have been submitted to the Director and accepted as complete.
 - j. **Other inspections or investigations.** In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this Chapter and other laws and regulations as may be required by the Director. A licensed landscape architect, qualified biologist, archaeologist, erosion control specialist, or other qualified professional may be required to be present during inspections.
2. **Project inspector.** All grading construction and other work for which a permit is required shall be subject to an initial site investigation prior to commencement of any site disturbance or grading activity and either periodic or continuous inspections by authorized Department employees. Where the Director determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed, or the purpose of the work, the work shall have either continuous or periodic special inspections and supervision by a civil engineer or geotechnical engineer or other individuals if licensed by the State of California to perform this work. Prior to final approval of grading work under any type of permit, a final inspection shall be made

of all construction or work for which a permit has been issued by an authorized Department employee.

3. Inspection process.

- a. Grading shall not be commenced until the permit holder or agent has posted an inspection record card in a conspicuous place on the site to allow the inspector to make the required entries thereon regarding inspection of the work. This card shall be maintained and available on the site by the permit holder until final approval.
- b. The permit holder, agent, or contractor shall have an approved set of grading, drainage and erosion control plans and specifications on the site and available at all times while work is in progress until final approval. The plans and specifications shall also include any mitigation measures approved by the Environmental Coordinator.
- c. In the absence of a specific work site designation, the Director may require the site to be surveyed and staked by a civil engineer or land surveyor licensed by the State of California so that the proper location of the work on the lot or parcel may be determined.
- d. Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted, following inspection. The permit holder shall be responsible for notifying the Department of Planning and Building at least 24 hours prior to the time when an inspection is necessary.
- e. Where the nature of the project, type of soils, geologic condition, drainage, or weather conditions dictate that special engineering, geotechnical engineering, geological, or erosion and sedimentation control inspections are necessary to prevent danger to public health, safety or welfare, the Director may require the permit holder to retain a licensed professional qualified to perform the following.
 - (1) Supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans; to check elevations or grades; inclination of slopes; elevation and grades of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and "as-graded" plans, if necessary.
 - (2) Provide either periodic or continuous inspection of soils work, including grading and compaction.
 - (3) Provide geological inspections.
 - (4) Inspect all erosion, sediment, runoff control and revegetation practices applied to the site.

- f. Where the nature of the project dictates that special environmental monitors be required, the environmental review process and mitigation measures shall establish the manner and timeframe in which this review shall occur. In these instances, the Director may require the permit holder to retain a qualified professional to perform the work identified from these measures.
 - g. On work requiring the continuous supervision and inspection of a civil engineer, geologist, geotechnical engineer, or certified erosion and sedimentation control specialist, required inspections within their respective areas of expertise may be delegated to the civil engineer, geologist, geotechnical engineer or certified erosion control specialist by the Director. At plan check, the Director shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer, geologist, geotechnical engineer, or sediment and erosion control specialist.
 - h. If the civil engineer, geotechnical engineer, geologist, or sediment and erosion control specialist find that the work is not being performed in substantial conformity with this Chapter or the approved plans and specifications, notice shall be given to the person in charge of the grading work and to the Director. No work shall proceed unless and until the issuance of such written notice from the Director that work may proceed.
 - i. If the Director determines by inspection that grading as authorized is likely to endanger sensitive resources or public health, safety or welfare in the deposition of debris on any public or private property, or interfere with any existing drainage course, the Director shall require that effective precautions be taken to remove such likelihood or danger. Written notice to comply shall be given to the permit holder allowing no more than 10 days for corrections to begin unless an imminent hazard to sensitive resources or the public health, safety or welfare exists, in which case the corrective work shall begin immediately.
 - j. Final inspection, as required in this Chapter, shall be made to the satisfaction of the Director.
5. **Testing.** The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the Civil Engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Sections 306 and 7014 of the Uniform Building Code. The Director shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

6. **Transfer of responsibility.** All work shall immediately stop upon termination of the services of the engineer or other professionals approved to supervise grading work. The permit holder shall terminate all such grading work, and shall not commence again until the succeeding civil engineer, geotechnical engineer, engineering geologist, or other approved professional certifies, in writing to the Director, that the professional has reviewed all reports and phases of the project, is thoroughly familiar with the proposed work and that the professional approves the work already completed and will assume responsibility for making the necessary improvements thereto. Upon receipt of this notice, the Director shall give written notice that work may proceed.
7. **Final reports required.** Upon final completion of the work, the following reports, drawings and supplements are required for engineered grading, when professional inspection is performed for minor grading, as applicable, and for other minor grading, where deemed necessary by the Director.
 - a. An as-graded grading plan prepared by the civil engineer retained to provide such services in compliance with Section 7014(e) of the Uniform Building Code showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage and groundwater recharge facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains or percolation cisterns shall be as reported by the soils engineer. Civil engineers shall state, in writing to the Director, that to the best of their knowledge the work within their area of responsibility was done in compliance with the final approved grading plan, and associated drainage, erosion and sedimentation control plans.
 - b. A report prepared by the soils engineer retained to provide such services in compliance with Section 7014(c) of the Uniform Building Code, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report, soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved soils engineering report and applicable provisions of the Uniform Building Code and this Chapter.
 - c. A report prepared by the engineering geologist retained to provide such services in compliance with Section 7014(d) of the Uniform Building Code, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved engineering geology report and applicable provisions of the Uniform Building Code and this Chapter.

- d. An erosion and sediment control report prepared by the certified sediment and erosion control specialist or other qualified, approved professional including a final description of the erosion, sediment revegetation and runoff control practices applied on the site, including any new information disclosed during site development and the effect of same on recommendations incorporated in the approved grading plan and noting any changes required. Included shall be a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved erosion and sedimentation control plan and applicable provisions of the Uniform Building Code and this Chapter.
- e. The grading contractor shall submit in a form prescribed by the Director a statement of conformance to all as-graded plans and specifications.

[22.05.038]

22.52.130 - Standards

A. Grading standards.

1. **Excavation standards.** All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the Uniform Building Code Appendix and the following standards.
 - a. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.
 - (1) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, **and** a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation impacts and that successful revegetation of the site can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.
 - (2) A retaining wall or other approved support which also mitigates visual impacts of the device is provided to support the face of the excavation.
 - b. The Director may require an excavation to be made with cut face flatter in slope than two horizontal to one vertical if a slope stability analysis or other appropriate method of review indicates that the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

- c. No cut slope shall exceed a height of 25 feet without intervening terraces having a minimum width of six feet. These terraces shall be vertically spaced at intervals of 25 feet except that for slopes less than 40 feet in vertical height the terrace shall be approximately at mid-height. Suitable access shall be provided to permit cleaning and maintenance. The Director may modify this requirement because of geologic or other special conditions.
 - d. The border of all cut slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.
 - e. All cut slopes shall be within parcels under one ownership unless written permission is granted by the adjacent owner.
- 2. Fill standards.** All fills are to be conducted in compliance with the provisions of Section 7010 of the Uniform Building Code and the following standards.
- a. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.
 - (1) A retaining wall or other approved support which also mitigates any negative visual impacts of the device is provided.
 - (2) The Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical if the applicant shows through the investigation and report, to be approved by the Director, of a geotechnical engineer that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope, that the areas on which the fill is to be placed are suitable to support the fill, and that the certified soil and erosion control specialist or other qualified professional indicates in writing that it is feasible to prevent erosion and sedimentation impacts and successful revegetation of the site can be accomplished.
 - b. The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) if a slope stability analysis or other appropriate method of review indicates that such flatter surface is necessary for stability, safety, or to prevent erosion and sedimentation impacts.
 - c. Unless specified as a non-structural land reclamation, erosion control, or agricultural fill, all fills shall be placed, compacted, inspected, and tested in compliance with the following provisions.
 - (1) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. The surface shall be scarified to provide a bond with the new fill and where slopes are steeper than five horizontal to one vertical (5:1) and the height is greater than five feet, by benching into sound bedrock or other competent

material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical (5:1) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill. The soils engineer, engineering geologist, or both, shall certify that the bench is a suitable foundation for the proposed fill.

- (2) Except as otherwise permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in structural fills. The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions shall also apply.
 - (a) Prior to issuance of the grading permit, potential rock disposal areas shall be identified on the grading plan.
 - (b) Rock sizes greater than six inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
 - (c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.
- (3) A fill shall be spread in a series of horizontal lifts as specified by the geotechnical engineer or other approved professional approved by the Director. The distribution of material throughout each layer shall be free of lenses, pockets or layers of material differing substantially in texture or gradation from the surrounding material. All material shall be compacted into a fill of uniform moisture and density as specified in paragraph (d) of this Subsection.
- (4) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.
- (5) A field density test, as herein provided, shall be taken for each 24 inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 200 cubic yards of fill placed unless a variation is recommended by the Soils Engineer and approved by the Director. In addition, in the case of a subdivision, field density tests shall be taken on lots which receive fill based upon the recommendations of a soils engineer.

- (6) All fills regulated by this Chapter shall be tested for relative compaction by a qualified geotechnical testing agency. Final reports, including a letter certifying compliance with the terms of this Chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer or soils engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.
 - d. Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted unless evaluated and approved by a geotechnical engineer or engineering geologist.
 - e. The border of fill slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.
3. **Grading setback standards.** Cut and fill slopes shall be set back from site boundaries in compliance with the most current provisions of the Uniform Building Code and the following standards.
- a. **General.** Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 52-5.
 - b. **Top of cut slope.** The top of the cut slopes shall not be closer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains. The director may approve adjustments as a condition of the permit, as required by individual site conditions.

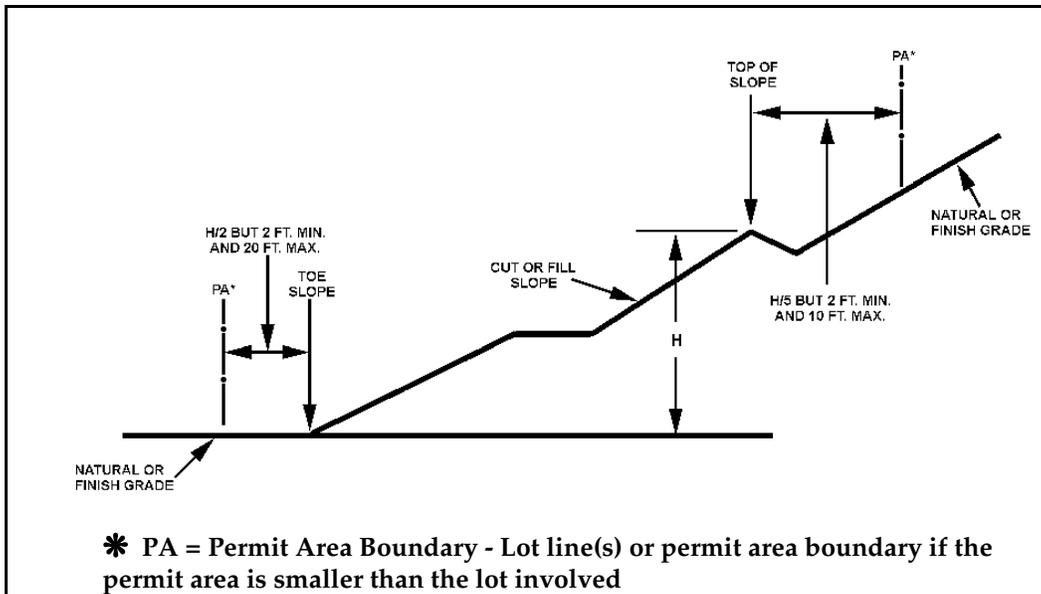


Figure 52-5 - Grading Setbacks

- c. **Toe of fill slope.** The toe of fill slopes shall not be closer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, or site conditions warrant, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions shall include, but are not limited to the following.
 - (1) Additional setbacks.
 - (2) Provisions for retaining or slough walls.
 - (3) Mechanical or vegetative treatment of the fill slope to minimize erosion.
 - (4) Provisions for the control of surface waters.
- d. **Modification of slope location.** The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer, engineering geologist, or erosion control specialist to demonstrate that the intent of this Section has been satisfied.
- e. **Distance from property line.** No cut or fill shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking, or other damage which might result.

B. Drainage standards. A Master Drainage Plan shall be required as part of the grading plan for all grading permit applications. Designs for site area drainage and terraces shall conform to the following provisions.

1. **Runoff volume.** Runoff conveyance systems shall be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the County Engineer. This may be reduced to a 10-year storm for small watersheds.
2. **Interceptors.** Concrete ditches or other approved methods of intercepting surface runoff waters shall be installed along the top of all cut slopes where the tributary drainage area has a slope 10 percent or greater and a horizontal projection greater than 40 feet.
3. **Berms.** Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes where runoff would be directed towards the top of fill.
4. **Over side drains.** Over side drains shall be of concrete or corrugated metal pipe having a diameter required by run-off calculations, but not less than eight inches, and shall be aligned so as to minimize velocity at discharge points. Alternate designs approved by the County Engineer may be permitted.

5. **Inlets.** galvanized iron, or approved equivalent and shall be provided with overflow structures.
6. **Outlets.** Outlet structures shall be provided with approved velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters where necessary and aligned to minimize downstream erosion and reasonably maximize recharge at discharge points, and shall be approved by the County Engineer.
7. **Dispersal structures.** An approved drainage dispersal structure shall be constructed wherever it is necessary to convert channel flow to sheet flow.
8. **Groundwater recharge methods.** Identify all methods to enhance groundwater recharge that have been incorporated into project design.
9. **Rain gutters.** Approved rain gutters shall be provided to receive all roof water and dispose of the water in a groundwater enhancing and non-eroding manner where the Director determines it to be necessary because of steepness of slope or presence of erodible materials.
10. **Building site drainage.** All graded building pads shall slope a minimum of two percent to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street, recharge area or drainage way. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six inches plus two per cent of the distance from the footing to the drainage device or curb. The Director may allow 1 percent to be used, if, because of terrain or soils, 2 percent is not reasonably attainable or necessary.
11. **Capacity of drainage devices.** On graded sites, the Director may require that drainage devices calculated to convey runoff from a 25-year frequency storm or greater be installed, if deemed necessary to prevent erosion, to conduct storm water around buildings or structures and to the nearest street, recharge area or drainage way.
12. **Appearance of drainage or recharge devices.** Where drainage devices are highly visible from the street or located in the public viewshed, they shall be shielded from view, if practical. Where visible, drainage devices shall be compatible with area character and the existing topography. Exposed concrete oversize drains are prohibited within these situations unless a visual analysis indicates the prohibition to be unnecessary. If they are visible, the size shall be the minimum necessary to handle drainage and ensure ability to maintain all drainage devices which collect from the slopes shall convey drainage by means of underground pipes or rock-lined ditches or other approved materials to blend with the natural topography in character, color and design. Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography. Detention, retention, or recharge basins should be designed as a visual and/or recreational amenity within a project whenever practical.

13. **Areas subject to flooding.** Buildings or structures are not permitted in an area determined by the County Engineer to be subject to flood hazard by inundation, overflow, high velocity or erosion, except where the buildings or structures comply with the standards in Section 22.14.060, and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. These provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or structure, or other means. The building and other structures (including walls and fences) shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property. In the application of this standard, the County Engineer shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Section 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Title by reference as though they were fully set forth here.
14. **Design of flood proofing measures.** Flood proofing measures required by the County Engineer shall be designed by a licensed architect or registered civil engineer.
15. **Sub-drains.** The Director may require the installation of approved sub-drains in areas where underground water is anticipated.
16. **Runoff computations.** Runoff computations may be made by the rational method except where specific methods for calculating individual residential retention basins have been adopted.
17. **Alternate designs.** Alternate designs which provide equivalent safety and are approved by the County Engineer may be used in lieu of those contained in this Section.

C. Dam and reservoir standards.

NOTE. All surface stream water impoundments require approval of an application to appropriate water from the California State Water Resources Control Board, Division of Water Rights.

1. **Agricultural stock ponds.** Agricultural stock ponds less than two acre feet in capacity are exempt from permit requirements. Agricultural stock ponds that are between two acre feet and 10 acre feet in capacity may be exempted if the plans are determined to be consistent with accepted design and conservation sites are approved by qualified professionals including a civil engineer, U.S. Department of Agriculture, Natural Resource Conservation Services, Resource Conservation District. All other dams, reservoirs and impoundments require a grading permit unless the design is prepared or approved by , and is inspected and certified by, the U. S. Department of Agriculture, Resource Conservation Service or State of California Department of Water Resources and the work is exempt from the California Environmental Quality Act. If required by the Director, engineered grading shall be under the strict supervision of a registered civil engineer who

shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

2. **Ponds, reservoirs or dams.** The proposed site of the pond, reservoir or dam shall not be.
 - a. Identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream unless the project has been reviewed subject to CEQA and determined to not contain significant adverse impacts to the aquatic or riparian resources.
 - b. In a location identified on any published geologic or soils maps on soils prone to slip or slide.
3. **Required reports.** The Director, in granting a permit for construction, may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that construction of the facility has been completed in conformity with the approved plans and specifications and this Chapter may be required.

D. Erosion and sedimentation control standards. Erosion and sediment control measures shall be required as part of the grading plan requirements. Plan contents and standards shall be as specified in Section 22.52.090 (Erosion Control Plan Required).

1. Exposed man-made slopes shall be planted in permanent vegetation to prevent erosion unless determined by the Director or erosion control specialist to be unnecessary.
2. Grading limits shall be staked out as shown on the approved plans before site disturbance begins. All land disturbance shall be restricted to this area.
3. All earth fills and disturbed areas shall be planted, mulched and maintained, or otherwise protected from the effects of storm runoff and wind erosion. Permanent or temporary soil stabilization must be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Denuded areas which may not be at final grade but which will remain undisturbed for longer than 60 days shall also be stabilized within 15 days. All mulching shall provide the same protection as that resulting from the application of two tons of straw mulch per one acre of surface area. All disturbed or denuded area created during the period between November 15 and March 15 of the following year shall be mulched or equally protected before quitting time each day.
4. All permanent slopes over three feet high shall be permanently revegetated to achieve a minimum of 70 percent coverage at 24 months. All slopes shall be maintained to assure the success of the plant material and the maintenance of the slope.

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5. A minimum of one, one-gallon shrub shall be planted per 100 square feet of slope area where shrubs are appropriate to the area unless equivalent alternate measures are approved by the Director. Plant material must be selected to achieve 100 percent coverage of slope at maturity.
6. One, one-gallon tree shall be planted every 500 square feet of slope area where appropriate to the area unless equivalent alternative measures are approved by the Director.
7. Temporary or permanent irrigation shall be provided where necessary to assure the successful establishment of the plant material.
8. Grading for normal agricultural practices to prepare a field or normal crop or range improvement practices should be protected by recognized agricultural erosion control methods.
9. Grading permits may be conditioned to provide landscape and maintenance security.
10. Sediment basins shall be designed to trap and store all sediment particles larger than those passing a #200 testing sieve, from the peak discharge of a 25 year frequency storm.
11. Runoff shall enter and exit a basin through protected inlets and outlets as approved by the Director.
12. Sediment removal scheduling and sediment dispersal shall be as approved by the Director.
13. Temporary drainage control measures during construction to avoid concentration of flow which may cause or exacerbate erosion and sedimentation.

E. Groundwater recharge standards. Groundwater recharge measures shall be required as part of the Site Plan Review requirements. Plan contents and standards shall be as specified in Section 22.52.100 and as listed below. Stormwater impound areas shall:

1. Be located to use the most permeable soils on the project site, where practical.
2. Be sufficiently shallow or properly shielded so that they do not pose a safety hazard.
3. Drain fast enough or be designed so that ponded water does not become a vector habitat (mosquito pond).

[22.05.040]

22.52.140 - Enforcement and Interpretations**A. Stop Work Orders.**

1. Whenever any grading, construction or earth work is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon purposeful misinformation or misrepresentation, or whenever the public health, safety or welfare is endangered, or any work is not in compliance with the plans or permits approved for the project, the Director shall issue a written notice or stop work order on the portion of the work affected. Such notice or order to stop work shall be served upon the property owner and any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work in writing. The notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the Director. The order may specify actions necessary to restore the site or provide temporary measures for erosion and sedimentation control until the site has been approved for grading.
2. It shall be unlawful for any person to commence or continue any work regulated under the provisions of this Chapter in violation of, or contrary to any stop work notice or stop work order issued in compliance with this Section, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Director or, upon appeal, from the Board.

B. Appeal. All decisions, interpretations or acts of the Director regarding the implementation of the grading standards of this Chapter, shall be subject to appeal to the Board in compliance with Section 22.70.050.

C. Violations and penalties.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter is subject to civil or criminal action. The Board hereby declares that any grading done contrary to the provisions of this Code is unlawful and a public nuisance. The offense may be filed as either an infraction or a misdemeanor at the discretion of the San Luis Obispo County District Attorney.
2. In addition to any penalties prescribed, the Director shall submit a written report to the appropriate state licensing or professional registration board or society in cases where contractors or professional consultants violate the provisions of this Code.

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3. Unless a different penalty is prescribed for violation of a specific provision of this Title, any person violating any of the provisions or failing to comply with the requirements of this Title is guilty of a misdemeanor, provided, however, that the offense shall be an infraction in the following events.
 - a. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time of arraignment, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;
 - b. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
4. Each separate day on which a violation of this Title exists shall constitute a separate offense.
5. Any person convicted of a misdemeanor under this Title shall be punished by imprisonment in the County jail for a period not exceeding six months, or by a fine not exceeding \$1,000, or both such fine and imprisonment.
6. Any person convicted of an infraction under this Title shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of the same ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same ordinance committed by that person within one year.
7. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.
8. Due to the potentially greater environmental effects associated with grading without a permit or using inadequate or improper grading techniques, and the associated additional on-site and cumulative sedimentation and erosion impacts, as well as excessive native vegetation and wildlife impacts, the following shall be completed as a part of the remedial efforts.

The applicant shall include additional “cumulative impact” measures above that required for specific on-site remedial work (e.g. contribute to off-site revegetation banking program (where applicable and available), reestablish nearby degraded habitat, removal of surrounding undesirable weedy plants within a sensitive habitat) that is of comparable size as that disturbed, or as determined appropriate by the County.

D. Injunction, civil remedies and penalties, and costs.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed \$6,000.

2. When the Director determines that any person has engaged or, is engaged, in any act(s) which constitute a violation of provision(s) of this Chapter, or order issued, the District Attorney or the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause.
3. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be liable for and obliged to pay to the County of San Luis Obispo for all costs incurred by the County in obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation. (See Section 22.74.080, Recovery of Costs.)
4. Until all costs, fees and penalties assessed under this Chapter are paid in full, no final approval, Certificates of Completion, Certificates of Compliance, Certificates of Occupancy, land use permits or Final Map shall be issued or approved by the Planning and Building Department, Public Works Department, other County agencies, or the Board.
5. In determining the amount of civil penalty to impose, the Court shall consider all relevant circumstances, including but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; any corrective action taken by the persons responsible; and the cooperation or lack of cooperation in efforts toward abatement or correction.

[Chapter Amended 1999, Ord. 2863] [22.05.042]

CHAPTER 22.54- STREET AND FRONTAGE IMPROVEMENTS

Sections:

22.54.010 - Purpose of Chapter

22.54.020 - Site Access and Driveway Requirements

22.54.030 - Curbs, Gutters and Sidewalks

22.54.010 - Purpose of Chapter

This Chapter provides standards for the site access, driveway, and curb, gutter, and sidewalk improvements required for development projects authorized by a land use permit. [22.05.104]

22.54.020 - Site Access and Driveway Requirements

All projects that are subject to land use or construction permit approval shall be provided adequate vehicular and pedestrian access, as follows:

- A. Minimum site access.** No land use or construction permit shall be approved for any site unless the site has legal access and all-weather physical access to a public road; except that installation of all-weather physical access improvements may be provided prior to final building inspection, or prior to occupancy where allowed by Section 19.04.042 (Occupancy or use of an incomplete structure), where such improvements do not currently exist.
- B. Site access location.** The provisions of this Subsection apply only to land uses that are required to have six or more parking spaces. Land use permit approval shall not be granted to a proposed use unless at least one driveway serving the use is located on the type of street specified by this Section. These requirements are based on the traffic volume and turnover rate generated by a new land use, determined by the number of parking spaces required and the intensity of use of the parking lot (see Chapter 22.18 - Off-Street Parking Required, or Article 4 for a special use).
 - 1. Required street type for access.** At least one vehicle access driveway shall be located on any street with a capacity equal to or greater than the minimum specified by the following table. These standards do not apply to a parking lot that is a principal use (see Section 22.30.630 - Vehicle Storage).

Number of Spaces in Parking Lot	Required Access Location Based on Parking Lot Turnover (1)(2)		
	High	Medium	Low
6 - 20	Local	Local	Alley
21 - 40	Collector (3)	Local	Local
41 - 80	Collector	Collector	Local
81 +	Collector (4)	Collector	Local (5)

Notes:

- (1) Expressed as the type of street (arterial, collector, local) on which a proposed use must be located. Actual access driveways may be located on a cross-street where the site abuts the required type of street.
- (2) Parking lot turnover is determined by Chapter 22.18 (Parking and Loading), for the specific land use.
- (3) For the purposes of this Section, collector streets include freeway frontage roads that extend between two collectors, between two freeway access points (which must include access and egress for both freeway directions), or a combination of the two situations.
- (4) At least one site access driveway on a collector shall be within 800 feet of an arterial, measured along the roadway.
- (5) At least one site access driveway on a local street shall be within 400 feet of a collector, measured along the roadway.

2. Alternative street types for access. Driveway access locations other than those required by Subsection B.1 above are allowable subject to Minor Use Permit approval, provided that the Review Authority first finds that the alternate location will not result in traffic congestion or traffic volumes inappropriate or substantially detrimental to the site vicinity. Where a Conditional Use Permit is otherwise required, the approval can be granted by the review authority through the Conditional Use Permit subject to the same required finding.

C. Driveway placement. A driveway from a street to a parking area with four or more parking spaces shall be located and designed as follows:

- 1. Distance from street corner.** Driveways shall be located a minimum of 50 feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
- 2. Number of driveways.** Driveways serving a single site shall be limited to two along the frontage of any street, except where additional driveways are authorized by Minor Use Permit. The centerline of such driveways shall be separated by a minimum of 30 feet.
- 3. Distance from property line.** Where a driveway intersects a street, the driveway shall be located a minimum of four feet from a side property line, except that the driveway transition may extend to within one foot of the property line, and except where adjoining lots use a shared driveway.

D. Driveway design and construction. Proposed driveways shall be designed and constructed as follows. These requirements are in addition to any applicable provisions of Chapter 13.08 of this Code (Encroachments).

1. **Driveway width.** A driveway, as defined in Chapter 22.80 (Definitions - Driveway), providing access to a building sites or a parking area from the public street or between separate parking areas on a site shall be a minimum width of 10 feet and shall also provide a fuel modification area as defined by Chapter 22.80 (Definitions - Fuel Modification Area), where applicable.
2. **Exception to width standard.** The following standards shall apply In high or very high fire hazard severity zones.

Driveway Length	Required Driveway Width
Less than 50 ft	10 ft (1)
50 to 200 ft	12 ft (2)
Greater than 200 ft (3)	16 ft

Notes:

- (1) The driveway shall provide for a fuel modification area as defined in Chapter 22.80 (Definitions - Fuel Modification Area).
- (2) A turnout, as defined in Chapter 22.80 (Definitions - Turnout), shall be provided near the midpoint.
- (3) For driveways exceeding 300 feet, a turnaround, as defined in Chapter 22.80 (Definitions - Turnaround), shall be provided at the building site and must be within 50 feet of the dwelling. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart.

3. **Driveway grade.** The minimum level of improvement is determined by the grade of the driveway providing access from the road to the building site or parking area as follows:

Surface	Maximum Grade
All-weather	less than 12%
Non-skid ¹	12% to 16%
Non-skid	over 16% ²

Notes:

- (1) Surface shall be asphalt or concrete as specified in the San Luis Obispo County Standard Specifications and Improvement Drawings, including a non-skid finish.
- (2) A driveway with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Section 22.54.020.F (Adjustment). An adjustment may also be requested for a driveway designed by a Registered Civil Engineer that exceeds 20 percent grade.

E. Road design and construction. Proposed roads or extensions of existing roads, as defined in Chapter 22.80 (Definitions - Road), not associated with the approval of a subdivision application shall be designed and constructed as follows:

1. Road width. The minimum width of applicable roads, as specified above, shall be as follows:

Road Direction	Required Road Width	
	Residential	Commercial/Industrial
One-way	10 ft (1)	16 ft (2)
Two-way	18 ft	20 ft (2)

Notes:

- (1) The road shall also provide for a fuel modification area as defined in Chapter 22.80 (Definitions - Fuel Modification Area).
- (2) Fire lanes shall be provided as set forth in the Uniform Fire Code.

2. Road grade. The minimum level of improvement is determined by the grade of the road providing access to the building site or parking area as follows:

Surface	Maximum Grade
All-weather	less than 12%
Non-skid (1)	12% to 16%
Non-skid	over 16% (2)

Notes:

- (1) Surface shall be asphalt or concrete as specified in the San Luis Obispo County Standard Specifications and Improvement Drawings including a non-skid finish.
- (2) A road with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Section 22.54.020.F (Adjustment). An adjustment may also be requested for a road that exceeds 20 percent grade and is designed by a Registered Civil Engineer.

F. Adjustments. An adjustment to the standards of Section 22.54.020.D or E. may be granted where proposed by the applicant and mitigated practices are approved by the fire inspection authority, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

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1. **Application filing and processing.** Requests for adjustment shall be filed with the fire inspection authority by the applicant or the applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and siting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the fire inspection authority when it has determined that the criteria for adjustment are satisfied as described in Section 22.54.020.F

2. **Appeals.** Where an adjustment is not granted by the fire inspection authority, the applicant may appeal the denial to the Fire Appeal Board as set forth in Title 16 of this Code. Decisions by the Fire Appeal Board may be appealed to the Commission (Section 22.20.050).

[Amended 1991, Ord. 2523]

[22.05.104]

Street and Frontage Improvements

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22.54.030 - Curbs, Gutters and Sidewalks

The establishment of an approved land use shall include installation of concrete curb, gutters and sidewalks as set forth in this Section.

A. When required. Curb, gutter and sidewalk is required to be installed as set forth in this Section when such improvements do not already exist, and:

1. The value of any new structures or changes to existing structures, items or equipment (that add value to the property but would be exempt from a construction permit, or would not be subject to a "valuation" by the Department) proposed during a period of 12 months (as indicated by all building permits issued for the site during the 12-month period) exceed 25 percent of the total value of all improvements existing on the site as 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 parcel, allocating for land and existing site improvements based on the *Uniform Standards of the Professional Appraisal Practices* published by the Appraisers Standards Board of the Appraisal Foundation. Both of these methods shall be determined at the time the first building permit (within the 12-month period) is applied for.
2. A new structure is moved on to a site (rather than constructed in place) where street frontage improvement should be required Subsection B.

Where a site proposed for development has existing curb, gutter and/or sidewalk, the County Engineer may determine that the existing improvements have deteriorated so as to be unusable or unsafe, or are improperly located, and that reconstruction of such street frontage improvements is required in compliance with this Section.

B. Where required. Curb, gutter and sidewalk is required with any project in the following areas, unless otherwise provided by planning area standards (Article 9):

1. In all Commercial and Office and Professional categories within an urban reserve line.
2. In Residential Multi-Family categories within an urban reserve line.
3. In all Industrial categories within an urban reserve line.
4. In new residential subdivisions, in compliance with Title 21 of this Code.

C. Extent of improvements. Curb, gutter and sidewalk improvements are to be constructed as required by this Section along the entire street frontage of the site, and also along the street frontage of any adjoining lots in the same ownership as the site.

D. Exceptions. Curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed as follows, provided that waiver of such improvement requirements shall not grant relief from the requirements of Chapter 13.08 of this Code governing encroachment on County rights-of-way:

1. **Incompatible grade.** The improvements required by this Section may be waived or modified by the County Engineer when, in the opinion of the County Engineer, the finish grades of the project site and adjoining street are incompatible for the purpose of accommodating the improvements.
2. **Incompatible development.** The required improvements may be waived by joint decision of the Director and County Engineer where they determine, based upon the land use designations of the Land Use Element, existing land uses in the site vicinity, and existing and projected needs for drainage and traffic control, that such improvements would be incompatible with the ultimate development of the area.
3. **Premature development.**
 - a. The required improvements may be waived when the Director determines that they would be premature to the development of the area because the proposed use which causes the improvements to be required by Subsections A. and B. is an interim use of the site and the required improvements can clearly be obtained with further or intensified development of the site at a later time.
 - b. A portion of the improvements required by Subsection may be waived when the Director determines that the project under consideration is a part of a phased development and that upon completion of all phases the entire extent of improvements specified by Subsection C. will be constructed.
 - c. The required improvements may be delayed when the County Engineer determines that they would be premature to the development of the area, because the proposed use is likely to be the ultimate development of the site, but the characteristics of ongoing development in the vicinity result in the County Engineer concluding that delaying the improvements would better support the orderly development of the area; in which case the applicant shall execute an agreement in compliance with Section 22.54.030.G and construct the improvements within a period of one year or such other time established by the County Engineer.
4. **Board modification.** The requirement for curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed through approval of such by the Board where it has been determined by the County Engineer and the Director that a waiver cannot otherwise be granted through the exceptions defined in Sections 22.54.030.D.1 through D.3, and the Board finds that special circumstances exist including but not limited to, an unusual landscape feature, a specific valuation inequity or a property specific circumstance that would make construction of the required improvements ineffectual.

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- 5. Exception procedure.** Any of the exceptions set forth in this Section are to be requested in writing, using the application form provided by the Department of Planning and Building.
- E. Design and construction.** Curb, gutter and sidewalk improvements shall be designed and constructed to the grade and specifications required by the County Engineer, as follows:
- 1. Design standards.**
 - a. The County Engineer shall design and stake the improvements required by this Section when the fronting streets are in the County-maintained road system.
 - b. When the fronting streets are not in the County-maintained road system or the improvements are required by Minor Use Permit or Conditional Use Permit conditions of approval, the County Engineer may require that a registered civil engineer be retained by the developer to design and stake the required improvements. Improvement plans shall be prepared in accordance with the San Luis Obispo County Improvement Standard Specifications and shall be approved by the County Engineer
 - c. The developer shall enter into an agreement with the County Engineer for the checking and inspection of improvement work designed by a private engineer.
 - 2. Construction standards.**
 - a.. All grading and construction is to occur at the expense of the developer, including placement of base and surfacing between the lip of the new gutter and the existing pavement (if any) as necessary to complete the street surface.
 - b. Any required street surfacing shall be a minimum of 2-inches of asphaltic concrete and the structural section shall be based on a traffic index of four or greater as required by the County Engineer.
 - c. Where there is no existing pavement, the paved surfacing across the property frontage shall be a minimum of 24 feet in width measured from the face of the curb and shall continue with a minimum width of 20 feet to the nearest paved, County-maintained road. Where surfacing exists along the fronting street, the new surfacing shall be installed between the gutter and the existing pavement. These improvements shall include paved transitions to provide for existing road drainage as well as drainage to or from the proposed site.
- F. Timing of installation.** All required improvements shall be completed in compliance with Section 22.64.090 (Project Completion), Section 22.64.100 (Occupancy or Use of Partially Completed Projects) prior to occupancy, or Section 22.54.030.G (Encroachment Permit Fee and Agreement Required).

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- G. Encroachment permit fee and agreement required.** All persons required to install concrete curbs, gutters and sidewalks under this Section shall execute with the County Engineer an agreement to install the curbs, gutters and sidewalks in accordance with the provisions of this Section, pay the current fee required for a curb, gutter and sidewalk encroachment permit and post a faithful performance bond for the construction of the improvements in an amount determined by the County Engineer, prior to the issuance of the building permit.
- H. Appeal.** Any person aggrieved by the requirements of this Section shall have the right of appeal to the Board in compliance with Section 22.70.050.

[Amended 1981, Ord. 2063; 1985, Ord. 2217; 1986, Ord. 2250; 1992, Ord. 2553; 1994, Ord. 2696; 1995, Ord. 2741; 1999, Ord. 2880] *[22.05.106]*

CHAPTER 22.56- TREE PRESERVATION

Sections:

- 22.56.010 - Purpose of Chapter
- 22.56.020 - Tree Removal Permit Required
- 22.56.030 - Tree Removal Standards

22.56.010 - Purpose of Chapter

The standards of this Chapter are intended to protect existing trees from indiscriminate or unnecessary removal. Tree removal means the destruction or displacement of a tree by cutting, bulldozing, or other mechanical or chemical methods, which results in physical transportation of the tree from its site and/or death of the tree. [22.05.060]

22.56.020 - Tree Removal Permit Required

No person shall allow or cause the removal of any tree located within urban or village reserve lines, or other specific areas identified in the planning area standards (Article 9) as being subject to these standards, without first obtaining a tree removal permit, as follows.

- A. When required.** Zoning Clearance (Section 22.62.030), is required before the removal or replacement of any existing trees except trees that are.
1. Identified and approved for removal in an approved Zoning Clearance, Site Plan Review, Minor Use Permit or Conditional Use Permit, provided that such removal is subject to the standards of Section 22.56.030 (Tree Removal Standards); or
 2. Located within residential land use categories on sites developed with residential uses; or
 3. Located within or adjacent to a public or public utility right-of-way, when such trees are to be removed by a public agency, public utility or are to be removed under an encroachment permit issued by a public agency having jurisdiction; or
 4. In a hazardous condition which presents an immediate danger to health or property; or
 5. With trunks measuring less than eight inches in diameter at four feet above grade; or
 6. To be removed in preparation for agricultural cultivation and crop production in an Agriculture land use category.
 7. To be removed as part of management practice in orchards of commercial agricultural production.

B. Application content. Land use permit applications that propose tree removal are to include all information specified by Section 22.62.030 (Zoning Clearance Content), and the following.

1. The size, species and condition (e.g., diseased, healthy, etc.) of each tree proposed for removal.
2. The purpose of removal.
3. The size and species of any trees proposed to replace those intended for removal.

[Amended 1982, Ord. 2091] [22.05.062]

22.56.030 - Tree Removal Standards

Applications for tree removal in compliance with Section 22.56.020 are to be approved only when the following conditions are satisfied.

A. Tagging required. Trees proposed for removal shall be identified for field inspection by means of flagging, staking, paint spotting or other means readily visible but not detrimental to a healthy tree.

B. Removal criteria. A tree may be removed only when the tree is any of the following.

1. Dead, diseased beyond reclamation, or hazardous;
2. Crowded, with good horticultural practices dictating thinning;
3. Interfering with existing utilities, structures or right-of-way improvements;
4. Obstructing existing or proposed improvements that cannot be reasonably designed to avoid the need for tree removal;
5. Inhibiting sunlight needed for either active or passive solar heating or cooling, and the building or solar collectors cannot be oriented to collect sufficient sunlight without total removal of the tree;
6. In conflict with an approved fire safety plan where required by Chapter 22.50;
7. To be replaced by a tree that will provide equal or better shade, screening, solar efficiency or visual amenity within a 10-year period, as verified in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman.

[22.05.064]

ARTICLE 6

Land Use and Development Permit Procedures

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SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Contents

CHAPTER 22.60 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

- 22.60.010 - Purpose of Chapter
- 22.60.020 - Authority for Land Use Decisions
- 22.60.030 - Consolidated Processing
- 22.60.040 - Application Preparation and Filing
- 22.60.050 - Initial Application Review

22.60.010 - Purpose of Chapter

This Chapter provides requirements and procedures for the preparation, filing, and processing of applications for the land use permits required by this Title. This Chapter also sets time limits for application processing, the establishment of approved land uses, commencement of construction and project completion. [22.02.020]

22.60.020 - Authority for Land Use Decisions

Table 6-1 (Review Authority) identifies the County official or body responsible for reviewing and making decisions on each type of application, land use permit, or other approvals required by this Title.

**TABLE 6-1
REVIEW AUTHORITY**

Type of Decision	Role of Review Authority (1)		
	Director	Commission	Board

Administrative and Amendments

Appeals	Recommend	Appeal	Appeal
Interpretations	Decision (2)	Appeal	Appeal
General Plan Amendment	Recommend	Recommend	Decision
Land Use Ordinance Amendment	Recommend	Recommend	Decision

Land Use Permits and Development Approvals

Zoning Clearance	Decision (2)	Appeal	Appeal
Site Plan Review	Decision (2)	Appeal	Appeal
Minor Use Permit	Decision (2)		Appeal
Conditional Use Permit	Recommend	Decision	Appeal
Specific Plan	Recommend	Recommend	Decision
Variance	Recommend	Decision	Appeal

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 22.70.050 (Appeals).
- (2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.

22.60.030 - Consolidated Processing

- A. **Land use permit.** If a proposed project involves multiple land uses, project authorization may be obtained by means of a single permit application for the highest permit level required for any of the individual uses. (For example. A commercial center of several stores, proposed to contain a use requiring Conditional Use Permit approval and two uses requiring Site Plan Review, may be authorized by a single Conditional Use Permit approval.)
- B. **Land division and lot line adjustment.**
 - 1. Where a land use permit is *required* in conjunction with a land division application, the Review Authority that would otherwise grant the land use permit shall take action.
 - 2. Where a land use permit is *not required* in conjunction with a land division application but is being processed *concurrently* with the application, the action on the land use permit is delegated to the advisory agency that will take action on the land division or lot line adjustment application.

[Amended 1994, Ord. 2696] [22.02.027]

22.60.040 - Application Preparation and Filing

- A. **Pre-application conference.** The applicant or their representative is encouraged to request a pre-application conference with the Department of Planning and Building as early in the process as possible (i.e., prior to any substantial investment such as land acquisition and site engineering and construction plans), subject to the applicable fee. During the conference, Department representatives, and where applicable, representatives from other County departments, should discuss applicable policies, plans, standards, and requirements as they apply to the proposed project, review the appropriate procedures for processing the application and examine possible alternatives or modifications relating to the proposed project. Land use, land division and lot line adjustment applications are subject to a public hearing and are discretionary. Action on an application by the Review Authority may differ from the opinion given by staff during the pre-application conference. [Added 1994, Ord. 2696] [22.02.021]
- B. **Application contents.** Land use permit applications shall be filed with the Department of Planning and Building using the forms provided by the Department, and shall include all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by this Article or Article 7 for the approval of the permit or other entitlement being requested. [22.02.030a]
- C. **Fees required.** Permit applications filed in compliance with this Title shall include the required filing fee at the time of submittal. The required filing fee is determined by the County Fee Ordinance. [22.01.034]

- D. Additional information required.** Site Plan Review, Minor Use Permit, and Conditional Use Permit applications shall include the following information in addition to the other application content requirements of this Article, prior to acceptance of the application as complete. Some or all of these requirements *may* be waived by the Director in compliance with Subsection E. Where the applicant volunteers to complete an environmental impact report (EIR) in compliance with the requirements of CEQA, the additional information required by this Subsection may be fulfilled as part of the EIR completed for the project.
1. **Agricultural buffers.** Where there is an existing agricultural use taking place on adjacent parcels and the applicant proposes an agricultural buffer, the buffer shall be shown on site plan, and incorporated into the site design or the lot configuration of the proposed land division.
 2. **Archeological report.** The applicant shall provide an archeological surface search, prepared by a qualified individual approved by the Director.
 3. **Botanical report.** The applicant shall provide a botanical report, prepared by a qualified individual approved by the Director.
 4. **Biological report.** The applicant shall provide a biological report, prepared by a qualified individual approved by the Director.
 5. **Building site envelopes.** Any proposed building sites that minimize grading, tree removal and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the site plan for existing or proposed parcels larger than 10,000 square feet to demonstrate how the future development of the site(s) relates to the other information required by this Section.
 6. **Noise study.** Where required by the Noise Element or where the project adjoins a potential noise generator, a noise study shall be required to be prepared by a qualified individual approved by the Director.
 7. **Tree inventory plan.** The applicant shall provide a tree inventory plan that locates all trees, on a site plan, their size and species and any proposed for removal. The plan shall also include proposals for replacement of trees to be removed. In areas where no trees are proposed for removal, the limits of the wooded area may be designated by the outline of the canopy.
 8. **Visual analysis.** For applications that propose development along significant visual corridors, as identified in the Open Space Element or the Land Use Element, a visual analysis shall be required to be prepared by a qualified individual approved by the Director.
 9. **Other information.** To be based on the list(s) maintained by the Department of Planning and Building, as allowed by Government Code Section 65940, as required for specific cases to allow adequate review of the proposal, and determine consistency with the General Plan and other applicable ordinances.

[Added 1992, Ord. 2553] [22.02.035]

- E. Waivers of content.** Some or all of these requirements *may* be waived by the Director upon receipt of a written request stating the specific conditions on the site that negate the need for the additional information, the unusual characteristics of a project site or the nature of a project make it infeasible or unnecessary for the applicant to submit all of the information for a permit application required by this Title, or that the information is available in the Department of Planning and Building and this makes the provision of the additional information unnecessary. If the Director finds any of the above circumstances, the Director may waive or reduce the requirements if it is also found that the absence of the documentation will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Title.

[Amended 1986, Ord. 2250] [22.02.024]

22.60.050 - Initial Application Review

Applications filed with the Planning and Building Department in compliance with this Title and applicable provisions of State law shall be processed as follows.

- A. Completeness review.** Within the time periods specified by this Section, the Director shall determine whether a land use permit application includes the information required by this Chapter and any information required by the lists maintained by the Department, as allowed by Government Code Section 65940, which specify in detail information required to be submitted prior to the department's determination of whether an application is complete, and shall notify the applicant of the results of that determination. The applicant shall be informed by a letter either; that the application has been accepted for processing, or that the application is incomplete. If the application is determined to be incomplete, the letter shall specify the parts of the application that are incomplete and shall indicate the manner in which the application can be made complete, including a list and description of specific information needed.
1. **Zoning Clearances.** The determination of completeness shall occur at the time of application filing. No Zoning Clearance application shall be accepted for processing unless it is determined to be complete at the time of filing.
 2. **Site Plan Review, Minor Use Permits, and Conditional Use Permits.** The determination of completeness shall occur in compliance with the procedures and time limits set forth in Government Code Section 65943.

When an applicant is notified that an application is incomplete, the time used by the applicant to prepare and submit the additional information shall not be considered part of the period within which the Director must determine completeness. The time available to an applicant to prepare and submit additional information is limited by Section 22.64.030 (Application Deemed Withdrawn). When information requested to complete an application is received by the Director, the information shall be reviewed for adequacy within the same time frame required for the initial completeness review by Subsections A.1 and A.2 for the respective application type.

[Amended 1992, Ord. 2553] [22.02.022]

- B. Referral.** Planning and Building Department review of applications filed in compliance with this Chapter will include notification of the following agencies. The purpose of notification shall inform interested agencies of proposed projects that may affect their jurisdictions so that the agencies may provide comments on development proposals.
1. **Air Pollution Control District (APCD):** The APCD shall be notified in compliance with Section 22.10.030 (Air Pollution Control District Review).
 2. **Public Works Department.** The County Public Works Department shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit applications regarding matters of drainage, flood hazards, water and sewer facilities, public street access and improvements, and surface mining operations conducted on behalf of the County.
 3. **Fire Department.** County fire protection agencies including the County Fire Department, the various county fire protection districts and the California Department of Forestry shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit proposals within their respective jurisdictions.
 4. **Health Department.** The County Health Department shall be notified of land use proposals in compliance with Section 8.06.010 (Construction Plans Required) of this Code, or any case where a proposed use will involve toxic or hazardous materials in larger than household quantities.
 5. **Incorporated cities.** The incorporated cities of the County shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit proposals in or within one mile of their respective urban reserve lines, or other area defined by agreement between the County and City.
 6. **Regional Water Control Board.** The Regional Water Quality Control Board shall be notified in compliance with Section 22.10.090 (Water Quality).
 7. **Special districts.** Special districts, Including community services districts, school districts and sanitary districts shall be notified in the same manner as incorporated cities.
 8. **Public utilities.** Public utility companies including but not limited to providers of water, gas, telephone and electrical services shall be notified of all Site Plan Review, Minor Use Permit and Conditional Use Permit applications.

[Amended 1992, Ord. 2553] [22.02.026]

CHAPTER 22.62- PERMIT APPROVAL OR DISAPPROVAL

Sections:

- 22.62.010 - Purpose of Chapter
- 22.62.020 - Business Licence Clearance
- 22.62.030 - Zoning Clearance
- 22.62.040 - Site Plan Review
- 22.62.050 - Minor Use Permits
- 22.62.060 - Conditional Use Permits
- 22.52.070 - Variances

22.62.010 - Purpose of Chapter

- A. Permit review procedures.** This Chapter provides procedures for the final review, and approval or disapproval of the land use permit applications established by this Title.
- B. Subdivision review procedures.** Procedures and standards for the review and approval of subdivision maps are found in Title 21 (Subdivisions) of this Code.
- C. Application filing and initial processing.** Where applicable, the procedures of this Chapter are carried out after those described in Chapter 22.60 (Permit Application Filing and Processing), for each application.

22.62.020 - Business Licence Clearance

- A. Purpose of review.** The Department of Planning and Building reviews business license applications to verify the compliance of proposed uses and buildings with county land use regulations, as required by Title 6 of this Code. These standards apply to business license applications that:
 - 1. Propose a new business; or
 - 2. Involve a change of use in an existing structure; or
 - 3. Renew a license for a business using leased off-site parking.
- B. Standards for business license clearance.** No business license shall be approved by the Director unless the proposed site and land use satisfy the following requirements, as applicable.
 - 1. **All licenses.** Approval of all business license applications reviewed by the Director shall satisfy the following criteria.

- a. **Use.** The proposed use has been authorized by an approved land use permit; or where business license clearance is the only authorization required by this Title, the proposed use is allowed in the land use category that applies to the site, and is also allowed by any combining designation or planning area standard (Article 9) applicable to the site; or is a legal nonconforming use in compliance with Chapter 22.72.
 - b. **Structure.** The Building Official certifies that the structure conforms to all applicable requirements of Title 19, evidenced by a Certificate of Occupancy.
 - c. **Operational standards.** The proposed use will comply with all applicable provisions of Sections 22.10.030 (Air Quality), 22.10.050 (Explosives Storage), 22.10.060 (Exterior Lighting), 22.10.070 (Flammable and Combustible Liquids Storage), 22.10.170 (Vibration), and 22.10.180 (Water Quality).
 - d. **Violation.** The proposed site and any structures or land uses existing on the site are not in violation of any applicable provision of this Title or this Code.
2. **Re-use of existing structures.** Approval of a business license application that proposes establishment of a new (different) business in an existing building or structure shall be subject to the provisions of Subsection B., and in addition shall be subject to the following.

 - a. **Parking.** The proposed business site shall contain the number of off-street parking spaces, driveway and parking lot improvements as required by Chapter 22.18 (Parking); except as otherwise provided by Section 22.72.100 (Nonconforming Parking).
 - b. **Signing.** All signing on the proposed site shall be in conformity with Chapter 22.20 (Signs), and Section 22.72.070 (Nonconforming Signs).
 3. **New uses.** Approval of a business license that proposes the first occupancy of a new building or structure shall require compliance with the provisions of Subsections B.1 and B.2, and in addition shall be subject to the following.

 - a. **Landscape, fencing and screening.** All landscape, fencing and screening on the proposed site shall comply with Chapter 22.16 (Landscaping) and Section 22.10.080 (Fencing and Screening).
 - b. **Site development standards.** The site shall conform to requirements for drainage, fire protection, curbs, gutters and sidewalks as required by Article 5 (Site Development Standards).

[Amended 1981, Ord. 2063; 1986, Ord. 2250; 1993, Ord. 2648] [22.02.028]

22.62.030 - Zoning Clearance

A Zoning Clearance is a ministerial land use permit. When a Zoning Clearance is required by this Title to authorize a development proposal, its approval certifies that the land use or development will satisfy all applicable provisions of this Title. In cases where a construction permit is required by Title 19 of this Code, the Zoning Clearance is processed and approved as part of the construction permit application and approval process. Approval of a Zoning Clearance enables the establishment of a land use that does not require a construction permit but is still subject to the standards of this Title.

A. Zoning Clearance application. Zoning Clearance applications shall include the the information required by Section 22.60.040.B, and the following additional information. Drawings shall be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.

- 1. Zoning Clearance content.** Zoning Clearance applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 22.60.040.D (Waivers of Content).
 - a. Site location and dimensions.** Location, exterior boundaries and dimensions of the entire property that is the subject of the application. Scale of the drawing and a north arrow. Outside of the urban or village reserve lines identified by the Land Use Element, include an area location map showing the proposed project site and its distance from nearby roads, towns, and natural or manmade landmarks, as necessary to readily locate the site.
 - b. Road access and street improvements.** Location, name, width, and type of surfacing of adjacent street(s) or alleys. Location of existing or proposed curbs, gutter and sidewalk improvements, if any; evidence documenting that the site has legal access to a public road and has or will be provided adequate all-weather physical access with completion of the development.
 - c. Buildings and structures.** Location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, decks, balconies, fences, walls and other structural elements that protrude into yard areas (when the use of a proposed structure is not certain at the time of application, the occupancy-type as defined by the Uniform Building Code may be substituted for use); height of buildings and structures; elevations (relative height) from the finish floor of the garage or other parking area to the edge of the pavement or road at the driveway entrance.
 - d. Easements.** Location, dimensions and purpose of all recorded easements on the property, including but not limited to utility, drainage and access easements, etc.
 - e. Utilities.** Location, dimensions and type of proposed water supply and sewage disposal facilities or connections.
 - f. Site improvements.** Location and dimensions of existing or proposed driveways and parking areas (enclosed or open), including type of surfacing materials; and identification of any driveway grades over 10 percent. Location and dimensions of

areas proposed for grading and site disturbance. Where a landscape plan is required in compliance with Chapter 22.16, show compliance with the landscape standards Chapter 22.16.

- g. **Landforms.** The generalized location of any major topographic or man-made features on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas.
- h. **Additional information.** To be included with Zoning Clearance applications as required in the following specific cases, in addition to all other information required by this Section.
 - (1) **Combining designation information.** When required by Chapter 22.14 for sites within a combining designation identified by the Land Use Element.
 - (2) **Drainage plan.** When required by Chapter 22.52 (Drainage, or Chapter 22.14 (Combining Designations).
 - (3) **Fire safety plan.** When required by Chapter 22.50 (Fire Safety), to be submitted for projects outside the urban or village reserve lines.
 - (4) **Grading plan.** When required by Chapter 22.52 (Grading).
 - (5) **Planning area requirements.** An application shall also include all information required by Article 9 (Community Planning Standards) for a specific community, or area of the county.
 - (6) **Sign information.** When any use is proposed to have signs, a description of their location, size, design and copy shall be provided.
 - (7) **Special standard requirements.** An application shall also include all information required by the standards of Article 4 for a specific use, or by other Chapter of this Title.
 - (8) **Solid waste disposal information.** As required by Section 22.10.150.
 - (9) **Trees.** Applications for projects within urban or village reserve lines, or where required by planning area standards (Article 9), shall show the location of trees existing on the site in or within 50 feet of proposed grading or other construction, which are eight inches or larger in diameter at four feet above natural grade. Trees proposed to be removed shall be noted (any tree removal is subject to the requirements of Chapter 22.54 - Tree Preservation).
- 2. **Ownership verification.** Evidence that the applicant is the owner of the subject site or has written authorization from the owner or owners to make the application.

- B. Zoning Clearance review and approval.** The Director shall approve a Zoning Clearance application when the proposed project or use satisfies all applicable provisions of this Title. (In approving a Zoning Clearance that designates occupancy type rather than use, the Director will supply the applicant a list of uses that can be accommodated by the building and site improvements proposed, consistent with the requirements of this Title.)
- C. Post-approval procedures.** The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Zoning Clearance.

[Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648] [22.02.030]

22.62.040 - Site Plan Review

Site Plan Review is required by this Title for projects more intensive than those requiring a Zoning Clearance. Site Plan Review considers the greater effects these uses may have upon their surroundings, and characteristics of adjacent uses that could have detrimental effects upon a proposed use. Like the Zoning Clearance, a Site Plan Review is also a ministerial land use permit. When Site Plan Review is required, application preparation and processing shall occur as follows.

- A. Site Plan Review application content.** Site Plan Review applications shall include an application form and other information prepared as specified in Sections 22.60.040.B, and 22.62.030 (Zoning Clearance), and shall also include all the following.
1. **Preliminary floor plan.** For all structural uses except single residences and agricultural accessory buildings.
 2. **Architectural elevations.** For all structural uses except single residences and agricultural accessory buildings, provide illustrations of how the completed buildings will appear, such as elevations, renderings or perspectives of each proposed structure, identifying the color, texture and type of all exterior finish and roofing materials.
 3. **Adjacent land use information.** For all uses except single residences, the location, use and approximate dimensions of buildings within 100 feet of the site.
 4. **Landscape plan.** To be prepared as required by Chapter 22.16 (Landscaping), for all applicable projects in compliance with Chapter 22.16.
 5. **Contour map.** To be prepared as follows, except when a grading plan is required by Chapter 22.52 (Grading).
 - a. **Inside urban reserve lines.** Site contour information shall be provided at five-foot intervals for undeveloped areas and two-foot intervals for building sites and paved or graded areas.
 - b. **Outside urban reserve lines.** Site contour information shall be provided at 10-foot intervals (which may be interpolated from USGS Topographic Quadrangle Maps) for undeveloped areas, and at two-foot intervals for building sites and paved or graded areas.

- c. **Areas in excess of 30 percent slope.** May be designated as such and contours omitted, unless proposed for grading, construction or other alteration.
 - 6. **Supplementary development statement.** Including a phasing schedule for project construction if proposed, and identification of any areas proposed to be reserved and maintained as common open space. Applications for uses subject to the provisions of Article 4 (Standards for Specific Land Uses) shall include explanation of how the proposed project will comply with the applicable provisions of Article 4.
 - 7. **Reduced drawings.** Site Plan Review applications shall include one copy each of the site layout plan and architectural elevations (if any), reduced to 8-1/2- by 11-inch sheets to facilitate the transmittal of this information to responsible agencies for their review.
- B. **Site Plan Review processing.** Site Plan Review applications shall be submitted to the Department of Planning and Building and shall be processed as follows.
 - 1. **Environmental determination.** Where a Site Plan Review application is required by Chapter 22.52 (Drainage) or Chapter 22.14 (Combining Designations) to include a drainage plan, or where Chapter 22.14 or Article 4 (Standards for Specific Land Uses) otherwise require an environmental determination, the determination shall occur in compliance with Section 22.62.050.B, before the processing steps of Subsections B.2 through B.3.
 - a. If an Environmental Impact Report (EIR) is required, the project shall be processed and authorized only as a Conditional Use Permit (Section 22.62.060).
 - b. Where no EIR is required, processing shall be as described in Subsections B.2 through B.3.
 - 2. **Review and approval.** The Director shall approve a Site Plan Review application if the proposed project satisfies all applicable provisions of this Title. Where a negative declaration on a Site Plan Review identifies necessary environmental impact mitigation measures, they shall apply to the approved Site Plan Review as conditions of approval. The approval shall become effective for the purpose of building or grading permit issuance, or establishment of a use not involving construction, on the date of approval of the Site Plan Review application unless an appeal is filed as set forth in Subsection B.3.
 - 3. **Appeal of Site Plan Review decision.** Any aggrieved person may appeal a Site Plan Review decision as stated in Section 22.70.050 (Appeal) within seven days of the decision; provided the only basis for an appeal, or action on an appeal by the appeal body shall be whether the proposed use satisfies all applicable provisions of this Title.
- C. **Post-approval procedures.** The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan Review.

[Amended 1982, Ord. 2091; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1993, Ord. 2648]
 [22.02.032]

22.62.050 - Minor Use Permits

The Minor Use Permit review process provides for public review of significant land use proposals that are not of sufficient magnitude to warrant Commission review; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Minor Use Permit process shall include the opportunity for a public hearing before the Director. Action on a Minor Use Permit is discretionary, and may include: approval based on the standards of this Title; approval with conditions; or disapproval, based on conflict with the provisions of this Code, or information in the Tentative Notice of Action or public hearing testimony. When Minor Use Permit approval is required by this Title, preparation and processing of the application shall be as follows

- A. Application content.** The content of a Minor Use Permit application shall be the same as for Site Plan Review (Section 22.62.040), and shall also include a list of names and addresses of all owners of property located within 300 feet of the perimeter of the parcel to be developed, accurate as of the day the application is filed with the County.
- B. Minor Use Permit processing.** Minor Use Permit applications shall be filed with the Department of Planning and Building, and shall be processed as follows.
 - 1. Environmental determination.** When a Minor Use Permit application has been accepted for processing as set forth in Section 22.60.050 (Determination of Completeness), it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA). No action shall be taken to approve or conditionally approve the application until the environmental determination results in.
 - a. A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or
 - b. Approval of a negative declaration by the Review Authority in compliance with CEQA; or
 - c. Certification of a final environmental impact report (EIR) by the Review Authority in compliance with CEQA.

If an EIR is required, the project shall be processed and authorized only as a Use Permit (Section 22.62.060).

Where no EIR is required, Minor Use Permit processing shall be as described in this Section.

2. Referral to Commission.

- a. At the discretion of the Director, any Minor Use Permit application for a project that may generate substantial public controversy or involve significant land use policy decisions may be referred to the Commission for review and decision in the same manner as a Conditional Use Permit (Section 22.62.060), without the applicant being charged an additional application fee.
- b. An applicant may also choose that a Minor Use Permit application be subject to Commission review and decision as a Conditional Use Permit, provided that an additional fee in an amount equivalent to the difference between the fees for Minor Use Permit and Conditional Use Permit is first paid. This request by the applicant shall be filed with the Director in writing before notice of the administrative hearing is provided in compliance with Subsection B.4.

3. Tentative Notice of Action. Before scheduling an administrative hearing on a Minor Use Permit, the Director shall cause a Tentative Notice of Action to be prepared. The tentative notice shall.

- a. Identify the proposed project and applicant;
- b. Describe the relationship of the project to applicable county land use and development policies and ordinances;
- c. Cite all relevant findings to be made in connection with the action on the project;
- d. Note whether the tentative action shall be approval, approval subject to conditions or disapproval of the Minor Use Permit; and
- e. List any applicable conditions of approval.
- f. Note that the tentative decision will become the final action on the project, effective on the 15th day following the administrative hearing, unless the tentative decision is changed as a result of information obtained at the hearing or is appealed in compliance with Section 22.70.050.

The Tentative Notice of Action shall be mailed to the applicant no later than 15 days before the administrative hearing. The Tentative Notice of Action may also be provided any other interested persons upon request, subject to the fees set by the Board.

4. **Administrative hearing.** A public hearing before the Director on each Minor Use Permit shall receive public notice and be conducted as follows.
 - a. **Notice of hearing.** Notice of public hearing shall be given as provided by Section 22.70.060, except as follows.
 - (1) **Content of notice.** In addition to the information required by Government Code Section 65094, the notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.
 - (2) **Method of notice distribution.** Notice of public hearings shall be given as provided by Section 22.70.060.A.
 - b. **Public hearing.** A public hearing on a Minor Use Permit shall occur only when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the Director no later than seven days after the date of the public notice provided in compliance with Subsection B.4.a. In the event a public hearing is requested, the Minor Use Permit shall be scheduled for a hearing on the date and time as defined in the public notice. In the event that a proposed project conflicts with existing plans and ordinances, the Director may continue an item to the next meeting date regardless of whether a public hearing has been requested. The applicant and any interested parties shall be notified of the continuance.
 5. **Final decisions on Minor Use Permits.** Immediately after the conclusion of public testimony in the case of a public hearing, or no sooner than the date of the meeting specified in the public notice required by Subsection B.4.a, the Director shall:
 - a. Announce that the decision on the project set forth in the Tentative Notice of Action is the final administrative action on the proposed project and that the Minor Use Permit will become effective as set forth in Subsection E. unless appealed; or
 - b. Announce that the tentative decision is changed as a result of information provided at the administrative hearing and whether the final decision is approval, conditional approval or denial; or
 - c. Continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision; and
 - d. In the event final action is taken, notify interested persons of the procedures by which the decision of the Director may be appealed.
- C. Minor Use Permit approval or disapproval.** The authority to take final action on a Minor Use Permit as set forth in this Subsection is assigned to the Director for the purposes of this Section, in compliance with Section 22.70.020.B and the authority established by Government Code Sections 65900 et seq. Decisions by the Director on Minor Use Permits may be appealed in compliance with Section 22.30.060.

1. **Criteria for approval.** A Minor Use Permit shall be approved only where the proposed use satisfies all applicable provisions of this Title, including but not limited to the findings in Section 22.62.060.C.4.
 2. **Authority for action.** Approval or disapproval of a Minor Use Permit shall occur in the same manner and with the same discretion and effect as set forth for Conditional Use Permits in Section 22.62.060, provided that all authority to reach decisions, make findings, and impose conditions of approval in compliance with Section 22.62.060.C is assigned to the Director.
- D. Notice of Final Action.** Within seven days of the administrative hearing, or no sooner than the date of the meeting specified in the public notice required by Subsection B.4.a, the Director shall prepare a written Notice of Final Action. The Notice of Final Action shall include the Tentative Notice of Action described in Subsection B.3, and shall also describe any changes to the tentative action as a result of the administrative hearing (if held), including the final action itself, findings or conditions of approval resulting from the hearing, as well as noting the effective date of the Minor Use Permit. The notice shall be mailed to the applicant.
- E. Effective date of Minor Use Permit.** The approval of a Minor Use Permit shall become effective for the purposes of construction permit issuance, business license clearance, or establishment of a non-structural use, on the 15th day following the act of Director's approval, unless an appeal is filed in compliance with Section 22.70.050.
- F. Post-approval procedures.** The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Minor Use Permit.

[Amended 1992, Ord. 2553; 1992, Ord. 2583; 1994, Ord. 2696; 1995, Ord. 2741; 1999, Ord. 2880]
 [22.02.033]

22.62.060 - Conditional Use Permits

The purpose of a Conditional Use Permit is to: provide for public review of significant land use proposals; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Conditional Use Permit process includes a public hearing before the Commission. Action on a Conditional Use Permit is discretionary and may include: approval based on the standards of this Title; approval with conditions; or disapproval, based on conflict with the provisions of this Code, or information in the staff report or public hearing testimony. When Conditional Use Permit approval is required by this Title, preparation and processing of the application shall be as follows.

- A. Application content.** The content of a Conditional Use Permit application shall be the same as required for Site Plan Review by Section 22.62.040, and Minor Use Permits by Section 22.62.050.

- B. Conditional Use Permit processing.** Conditional Use Permit applications shall be submitted to the Department of Planning and Building, and shall be processed as follows.
1. **Environmental determination.** When a Conditional Use Permit application has been accepted for processing as set forth in Section 22.62.050.A (Determination of Completeness), it shall be subject to an environmental determination as required by the California Environmental Quality Act (CEQA). No action shall be taken to approve or conditionally approve the application until the environmental determination results in:
 - a. A statement by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or
 - b. Approval of a negative declaration by the decision making body in compliance with CEQA; or
 - c. Certification of a final environmental impact report (EIR) by the decision-making body in compliance with CEQA.
 2. **Staff report.** Following completion of an Environmental Determination, the Department of Planning and Building shall prepare a staff report that:
 - a. Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and
 - b. References applicable county land use policies; and
 - c. Determines whether the proposed use or project satisfies at minimum the provisions of this Title; and
 - d. Recommends whether, and on what basis, the proposal should be approved, conditionally approved or disapproved.
 3. **Public hearing.** The Director shall schedule the Conditional Use Permit for public hearing before the Review Authority as set forth in Section 22.70.060.
- C. Conditional Use Permit approval or disapproval.** The authority to take final action on a Conditional Use Permit as set forth in this Subsection is assigned to the Subdivision Review Board or Commission. Where a Conditional Use Permit application is required in conjunction with a land division application, the advisory agency designated to take action on the land division by Title 21 of this Code shall consider both the Conditional Use Permit application and the land division application on the same agenda. Final action on the Conditional Use Permit shall occur prior to final action on the land division application. In all other cases requiring Conditional Use Permit approval only, the Commission is assigned to take final action. Decisions of the Review Authority may be appealed to the Board (Section 22.70.050).

1. **Conditions of approval.** After the conclusion of a public hearing, the Review Authority may approve, conditionally approve, or disapprove the Conditional Use Permit. In conditionally approving a Conditional Use Permit, the Review Authority shall designate conditions to satisfy any requirements of CEQA, and to:
 - a. Secure compliance with the objectives and requirements of this Title and the Land Use Element; and
 - b. Designate time limits or phasing schedules other than those specified in Section 22.64.060 (Land Use Permit Time Limits) for the completion of projects, when deemed appropriate.
2. **Additional conditions.** In addition to the conditions of Subsection C.1, the Review Authority may adopt other conditions, including but not limited to:
 - a. Requiring that security be provided to guarantee performance and/or compliance with conditions of approval, as set forth in Section 22.64.040 (Guarantees of Performance);
 - b. Requiring installation of specific on-site or off-site improvements;
 - c. Modifying, superseding or replacing conditions of approval imposed on the subject site or land use by a previous Conditional Use Permit, Minor Use Permit or any land use permit issued in compliance with the zoning ordinance (Ordinance No. 603).
 - d. Authorizing land uses on the site in addition to those requested in the Conditional Use Permit application where the additional uses would normally be required by this Title to have Zoning Clearance, Site Plan Review or Minor Use Permit approval.
 - e. Any other conditions judged by the Review Authority to be necessary to achieve compatibility between the proposed use and its site, its immediate surroundings, and the community.
3. **Effect of conditions.** Whenever a Conditional Use Permit approval is granted or amended subject to conditions, use or enjoyment of the Conditional Use Permit approval in violation, or without observance of any condition shall constitute a violation of this Title. In the event of such a violation, the approval may be revoked or modified as provided in Section 22.14.160 (Permit Revocation). The duration of conditions is established in Section 22.64.120 (Lapse of Land Use Permit).
4. **Required findings.** The Review Authority shall not approve or conditionally approve a Conditional Use Permit unless it first finds that:
 - a. The proposed project or use is consistent with the Land Use Element of the General Plan; and
 - b. The proposed project or use satisfies all applicable provisions of this Title; and

- c. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
- d. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
- e. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project.
- f. Any additional findings required by planning area standards in Article 9 (Community Planning Standards), combining designation (Chapter 22.14), or special use (Article 4).

D. Effective date of land use permit. The approval of a Conditional Use Permit shall become final and effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day following the Review Authority approval; unless before that time, an appeal to the decision is filed as set forth in Section 22.70.050 (Appeal).

E. Post-approval procedures. The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Conditional Use Permit.

[Amended 1981, Ord. 2063; 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553; 1992, Ord. 2583]
[22.04.034]

22.62.070 - Variances

A Variance from the strict application of the requirements of this Title may be requested as provided by this Section.

A. Limitations on the use of a Variance. A Variance shall not be used to:

1. Reduce the minimum parcel size required for a new land division by Chapters 22.22 or Article 9 below the range of parcel sizes specified by Part I of the Land Use Element for the land use category in which the site is located; or
2. Authorize land uses other than those normally identified as allowable in a particular land use category by Section 22.06.030 (Allowable Land Uses and Permit Requirements) planning area standards of Article 9, or other Chapter of this Title, in compliance with Government Code Section 65906.

- B. Application.** A written application for Variance shall be filed with the Department of Planning and Building on the form provided, accompanied by all graphic information required for Zoning Clearance by Section 22.62.030 (Zoning Clearance Content), and any additional information necessary to explain the request. Acceptance of the application is subject to Section 22.04.030.A (Allowable use), and 22.60.050.A (Determination of Completeness).
- C. Notice and hearing.** After acceptance of a Variance application and completion of a staff report, the Commission shall conduct a public hearing on the Variance request. Notice and scheduling of the hearing shall comply with Section 22.70.060 (Public Hearing).
- D. Action on a Variance.** The Commission shall approve, approve subject to conditions, or disapprove a Variance in compliance with this Subsection. The decision may be appealed to the Board in compliance with Section 22.70.050 (Appeals).
- 1. Findings.** Approval or conditional approval may be granted only when the Commission first determines that the Variance satisfies the criteria in Government Code Section 65906 by finding that:
- a. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the property is situated; and
 - b. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and
 - c. The Variance does not authorize a use that is not otherwise authorized in the land use category; and
 - d. The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- 2. Conditions of approval.** In approving an application for Variance, conditions shall be adopted as are deemed necessary to enable making the findings required by Subsection D.1.
- E. Effective date of Variance.** The approval of a Variance shall become final and effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day after the act of Commission approval; unless before that time an appeal to the decision is filed in compliance with Section 22.70.050 (Appeals).

- F. Post-approval procedures.** The procedures in Chapter 22.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Variance.

[Amended 1999, Ord. 2880] [22.01.045]

22.62.080 - Emergency Permits

This Section establishes procedures for the issuance of emergency permits in situations that constitute an emergency as defined by this Section. Emergency permits may be granted by the Director as provided by this Section.

- A. Emergency defined.** For the purposes of this Section, an emergency is a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- B. Permit procedures.** In cases of emergency, the Director may issue an emergency permit in compliance with the following provisions:
1. Applications in cases of emergencies shall be made to the Director in writing if time allows, or by telephone or in person if time does not allow.
 2. The information to be reported during the emergency, if it is possible to do so, or as soon as possible after the emergency shall include the following:
 - a. The nature of the emergency;
 - b. The cause of the emergency, insofar as this can be established;
 - c. The location of the emergency;
 - d. The remedial, protective or preventative work required to deal with the emergency; and
 - e. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
 3. The Director shall verify the facts including the existence and nature of the emergency, insofar as time allows.
 4. The Director shall provide public notice of the proposed emergency work, with the extent and type of notice determined by the nature of the emergency.

5. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, based on the finding:
 - a. An emergency exists that requires action more quickly than permitted by the process for regular permits administered pursuant to this Title, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit;
 - b. Public comment on the proposed emergency action has been reviewed, as time allows; and
 - c. The work proposed would be consistent with applicable standards of this Title..
6. Within 30 days of the notification required in Subsection B.1, the property owner shall apply for a land use permit as required by this Title and any construction permits required by Title 19 of this Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.74.
7. The Director shall not issue an emergency permit for any work to be undertaken on any submerged lands or on public trust lands, whether filled or unfilled.
8. The Director shall report emergency permits to the Commission at their next regular meeting. The decision to issue an emergency permit is solely at the discretion of the Director, although subsequent permits required for the project are subject to all applicable hearing requirements of this Title.

[Added 1995, Ord. 2741] [22.03.045]

CHAPTER 22.64 - PERMIT IMPLEMENTATION, TIME LIMITS AND EXTENSIONS

Sections:

- 22.64.010 - Purpose of Chapter
- 22.64.020 - Applications Deemed Approved
- 22.64.030 - Applications Deemed Withdrawn
- 22.64.040 - Performance Guarantees
- 22.64.050 - Changes to an Approved Project
- 22.64.060 - Land Use Permit Time Limits
- 22.64.070 - Land Use Permit Extensions of Time
- 22.64.080 - Substantial Site Work Defined
- 22.64.090 - Project Completion
- 22.64.100 - Occupancy or Use of Partially Completed Projects
- 22.64.110 - Occupancy with Incomplete Site Improvements
- 22.64.120 - Lapse of Land Use Permit

22.64.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the land use permits required by this Title, including time limits, and procedures for granting extensions of time.

22.64.020 - Applications Deemed Approved

Any application approved in compliance with Sections 65956 et seq. of the Government Code shall be subject to all applicable provisions of this Title, which must be satisfied by the applicant before any construction permit is issued. [Amended 1992, Ord. 2553] [22.02.054]

22.64.030 - Applications Deemed Withdrawn

Any application received and processed shall be deemed withdrawn if:

- A. It is determined that the proposed use is not allowable in the land use category where the site is located, in compliance with Section 22.06.030 (Allowable Land Uses and Permit Requirements) or the planning area standards of Article 9 (Community Planning Standards); or
- B. It has been held in abeyance or continuance, awaiting the submittal of additional required information by the applicant, and the applicant has not submitted the information within 90 days of:
 - 1. The last County notification to the applicant requesting additional information in advance of either a decision to accept the application for processing, or review by the applicable Review Authority, to which the applicant has not responded; or
 - 2. The date of the last Review Authority consideration of the application.

Prior to an application being deemed withdrawn, a letter shall be sent notifying the applicant of the withdrawal, and explaining the requirements for re-filing. Where a written request from the applicant is received asking that the application package and unused portion of the filing fee be returned, the Director shall return the entire application package to the applicant, including accompanying information and any portion of the filing fee not used in processing up to the point of withdrawal. A withdrawn application may be re-filed at any time, provided that it shall be received and processed as a new application.

[Amended 1984, Ord. 2163, 1995, Ord. 2741] [22.02.056]

22.64.040 - Performance Guarantees

When required by the provisions of this Title, or by condition of approval of a Minor Use Permit or Conditional Use Permit, appropriate security or guarantees shall be provided by the applicant as set forth in this Section. A bond is used to guarantee the proper completion of required improvements, drainage facilities, grading, revegetation, site restoration after use, reclamation and/or removal of structures, equipment or other materials, preservation of certain site features, or compliance with other provisions of this Title or conditions of approval. The guarantee shall be a bond or other secured contractual guarantee, unless otherwise provided in Article 4 (Standards for Specific Land Uses). The use of the terms bond, guarantee and security in this Section shall all mean guarantees of performance.

- A. Posting.** The guarantee shall be posted with the Department, with the County of San Luis Obispo named as beneficiary.
- B. Form of bond.** A surety bond or other guarantee shall be in a form approved by the County Counsel, including default provisions, and shall provide that in the event suit is brought upon the bond by the County and judgment is recovered, the surety shall pay all costs incurred by the County in the suit, including reasonable attorneys' fees to be fixed by the court.
- C. Amount of bond.** The guarantee shall be of an amount established by the Director equal to the actual cost of completing the specified improvements, restoration, or satisfying conditions of approval. Provided, however, that where a guarantee is required by Conditional Use Permit condition of approval to preserve identified site features, the guarantee shall be in an amount the Commission deems necessary to assure compliance with the applicable condition.
- D. Release of bond.** At the request of an applicant, or before the expiration of a bond or guarantee, the Director will review the project and issue a completion statement if all provisions of this Title and conditions of approval have been met. Upon issuance of the completion statement, the guarantee, bond or cash deposit will be released. If the Director determines the project does not meet the applicable requirements, the applicant shall be notified in writing of the deficiencies. A time period for their correction shall be mutually agreed upon by the applicant and the Director, with the security being held until all the requirements are satisfied. Where no agreement is reached following written notification by the Director, or where an agreed time period for completion is exceeded, the bond shall be called.

[Amended 1992, Ord. 2553] [22.02.060]

22.64.050 - Changes to an Approved Project

An approved land use shall be developed or established only as shown on the project plans approved as part of the permit application, except where otherwise provided by this Section. Deviation of project design or construction from the approved plans, and changes to the project after completion of construction may occur only as follows.

- A. Except as provided by following Subsection B., a feature of the use or project subject to the standards of Articles 3, 4, and 5 may be modified, provided that the change requested is in with the standards of this Title. The change shall be requested in writing with appropriate supporting materials and explanation of the reasons for the request. The Director may approve a requested change upon verification of its conformity with this Title, provided that the approval shall not modify the effective date of the land use permit.
- B. Where the Director determines that the change results in an increased impact to an aspect of the project, that was specifically addressed in a Negative Declaration or Environmental Impact Report for the project, or the change relates to a project feature that was specifically addressed in conditions of approval of a Minor Use Permit or Conditional Use Permit, or that was a specific consideration by the Review Authority in the approval of a Minor Use Permit or Conditional Use Permit, a new Minor Use Permit or Conditional Use Permit approval shall be obtained.

[Amended 1992, Ord. 2553] [22.02.038]

22.64.060 - Land Use Permit Time Limits

An approved Zoning Clearance or Site Plan Review is valid for a period of 18 months from its effective date. A Minor Use Permit, Conditional Use Permit or Variance is valid for 24 months after its effective date. At the end of this time period, the land use permit shall expire and become void unless:

- A. Substantial site work toward establishing the authorized use has been performed (Section 22.64.080); or
- B. The project is completed (Section 22.64.090); or
- C. An extension has been granted (Section 22.64.070).

Nothing in this Title shall be construed as affecting any time limits established by Title 19 of this Code regarding work authorized by a building permit or other construction permit issued in compliance with Title 19, or time limits relating to the expiration of the permit.

[Amended 1986, Ord. 2250] [22.02.040]

22.64.070 - Land Use Permit Extensions of Time

When substantial site work (Section 22.64.080) on a project authorized by an approved land use permit has not occurred within the time limits set by Section 22.64.060, a maximum of three, 12-month extensions to the initial time limit may be granted as provided by this Section. Extension requests shall be in writing and shall be filed with the Department on or before the date of expiration of the land use permit or previous extension, together with the required filing fee. When an extension request has been filed, no construction permits shall be issued for a proposed project in compliance with Title 19 of this Code until the extension has been approved.

A. Initial extensions. The Director may grant two 12-month extensions to the time limit for any land use permit. The Director shall grant an extension only after finding that the land use permit does not contain conditions prohibiting extension, and that:

1. There have been no changes to the provisions of the Land Use Element or Land Use Ordinance applicable to the project since the approval of the land use permit; or
2. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element or Land Use Ordinance apply to the project; or
3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

Disapproval of a requested extension by the Director may be appealed to the Commission as set forth in Section 22.70.050 (Appeal).

B. Third extension. The Commission may grant one additional 12-month extension to an approved land use permit after the two initial extensions provided that the Commission makes the following findings.

1. That substantial site work could not be completed as set forth in Section 22.64.080 because of circumstances beyond the control of the applicant; and
2. The findings specified in Sections A.1, A.2, and A.3; and
3. The findings that were required by Section 22.64.060.C.4 to enable initial approval of the permit.

An approved land use permit shall become void after the expiration of the third extension (or after the expiration of any previous extension when a request for further extension has not been filed before expiration) where substantial site work has not first occurred in compliance with Section 22.64.080. No more than three extensions in compliance with this Section shall be granted.

- C. Land use permit required with a land division.** For land use permits that are *required* in conjunction with a land division application, the advisory agency (the Commission or the Subdivision Review Board) may grant five, 12-month time extensions to the time limit. The Department shall provide a written recommendation in its staff report to the advisory agency concerning the extension request.

[Amended 1986, Ord. 2250; 1999, Ord. 2880; 1999, Ord. 2880] [22.02.050]

22.64.080 - Substantial Site Work Defined

When all required construction permits have been obtained and construction of an approved use has begun, substantial site work toward establishing the authorized use shall be deemed to have been performed, and project construction may be completed subject to Section 22.64.120 (Lapse of Land Use Permit) when.

- A. Building construction projects.** Site work has progressed beyond grading and completion of structural foundations, and construction is occurring above grade within: 18 months of Zoning Clearance or Site Plan Review approval; 24 months of Minor Use Permit or Conditional Use Permit approval; or within 12 months of the date of approval of an extension of land use permit (Section 22.64.070), and construction continues with reasonable progress and no interruption greater than 180 consecutive days, provided that:
1. **Single construction period projects.** When no extended project phasing schedule has been authorized through Conditional Use Permit approval (Section 22.64.060.C.1.b.), substantial work shall be performed for all proposed buildings.
 2. **Phased projects.** Where a project phasing schedule has been approved, construction permits shall be obtained and substantial work shall be performed on at least one approved building.
- B. Non-building projects.** The project is completed as set forth in Section 22.64.090 within 18 months of Zoning Clearance or Site Plan Review approval; 24 months of Minor Use Permit or Conditional Use Permit approval; or within 12 months of the date of approval of an extension of land use permit (Section 22.64.070).
- C. Surface mining operations.** In the case of a surface mining operation approved in compliance with Chapter 22.36, (Surface Mining and Reclamation), when surface mining operations have been commenced.

[Amended 1992, Ord. 2553] [22.02.042]

22.64.090 - Project Completion

Project completion is the point at which active County review of project progress is terminated. A development project is considered completed when:

- A. A Certificate of Occupancy has been issued or, in the case of a dwelling, final building inspection has been granted by the Building Official verifying that all structures, site improvements and/or off-site work has been completed; and any bonds (Section 22.64.040) guaranteeing site improvements have been released.
- B. The Director verifies that a use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of this Title and any adopted conditions.
- C. A final map is recorded, in the case of a Conditional Use Permit approval that is intended only to authorize the filing of a tentative map in compliance with planning area standard (Article 9) or Chapter 22.22 (Land Division Design Standards), unless conditions of approval of the Conditional Use Permit specify other standards for determining project completion.

[Amended 1984, Ord. 2163; 1992, Ord. 2553] *[22.02.044]*

22.64.100 - Occupancy or Use of Partially Completed Projects

Multiple building projects (including but not limited to apartment or office complexes and shopping centers), may be granted Certificates of Occupancy for individual completed buildings in advance of completion of the entire project only when.

- A. Individual buildings are completed in compliance with Section 22.64.090 (Project Completion); and
- B. The Director determines that the completed structures are capable of functioning independently from structures remaining to be completed; and
- C. Occupancy of individual structures will not inhibit the completion of the total project; and
- D. Partial occupancy during completion will not have a potential adverse effect on persons in the area or nearby properties.
- E. Occupancy with incomplete site improvements is accomplished in compliance with Section 22.64.110.

[22.02.046]

22.64.110 - Occupancy with Incomplete Site Improvements

In the case of projects where all structures are complete, but improvements required by this Title or adopted conditions (including but not limited to landscaping, curb and gutter, paving, etc.) are not complete, a Certificate of Occupancy may be issued, provided that:

- A. Buildings are completed in compliance with Section 22.64.090 (Project Completion); and
- B. The Director determines that the buildings can function safely in advance of the completion of the lacking site improvements; and
- C. The improvements remaining to be completed are guaranteed as set forth in Section 22.64.040 (Guarantees of Performance).

[22.02.048]

22.64.120 - Lapse of Land Use Permit

In the event that any of the circumstances listed in this Section occur, a land use permit shall be deemed to have lapsed. No use of land or structure, the land use permit for which has lapsed in compliance with this Section, shall be reactivated, re-established, or used unless a new land use permit is first obtained.

- A. Completed projects.** When a project has been completed or an authorized use not involving construction has been established (Section 22.64.090), the land use permit that authorized the project shall remain valid and in force, including any conditions of approval adopted in connection therewith, unless:
 - 1. An approved use or structure authorized through Zoning Clearance approval is removed from the site, and the site remains vacant for a period exceeding 12 consecutive months, in which case the Zoning Clearance approval shall lapse; or
 - 2. The circumstance described in Subsection C. occurs, in which case Minor Use Permit or Conditional Use Permit approval shall lapse; or
 - 3. A use or structure authorized through Site Plan Review, Minor Use Permit or Conditional Use Permit approval remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months; or
 - 4. The land use permit is revoked in compliance with Section 22.74.160 (Permit Revocation).
- B. Partially completed projects.** When an approved multiple building project has been partially completed (Section 22.64.100), its land use permit shall remain valid unless work ceases for a period greater than 12 months, and no schedule for phased construction was authorized by the land use permit.

- C. Conditions declared void.** If a judgement of a court of competent jurisdiction declares one or more of the conditions of an approved Minor Use Permit or Conditional Use Permit to be void or ineffective, or enjoins or otherwise prohibits the enforcement or operation of one or more conditions, the Minor Use Permit or Conditional Use Permit shall cease to be valid.
- D. Changes in ordinance provisions.** If an amendment to the Land Use Element or this Title is adopted such that the approved use is no longer allowable on its site, the land use permit shall lapse unless substantial site work has been completed (Section 22.64.090) before the effective date of the amendment. The effect of an amendment on a completed project is determined by Section 22.72.050 (Nonconforming Uses of Land).

[Amended 1992, Ord. 2553] *[22.02.052]*

ARTICLE 7

Land Use Ordinance Administration

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CHAPTER 22.70 - ADMINISTRATION AND ADMINISTRATIVE PROCEDURES

Sections:

- 22.70.010 - Purpose of Chapter
- 22.70.020 - Administrative Responsibility
- 22.70.030 - Adjustments
- 22.70.040 - Amendments
- 22.70.050 - Appeals
- 22.70.060 - Public Hearings

22.70.010 - Purpose of Chapter

This Chapter provides procedures for adjustments to the provisions of this Title, amendments to this Title and the General Plan, appeals, and public hearings.

22.70.020 - Administrative Responsibility

The responsibility for the administration of this Title is delegated to the Director of Planning and Building, who will advise the public about its requirements. The Director of Planning and Building is referred to in this Title as the "Director." The responsibilities of the Director under this Title include the following functions, which may be carried out by Department employees under the supervision of the Director:

- A. Application processing.** Receive and review all applications for projects; certify that applications submitted have been properly completed; establish permanent files; conduct site and project analyses; post public notices; meet with applicants; collect fees; prepare reports; process appeals; present staff reports to the Zoning Administrator, Subdivision Review Board, Commission, or Board (as applicable); and
- B. Zoning administration.** Function as Zoning Administrator in compliance with the authority established by Government Code Sections 65900 et seq. in the conduct of hearings and the issuance of discretionary entitlements, where provided by this Title; and
- C. Permit issuance.** Issue permits under this Title and certify that all issued permits are in full conformance with its requirements; and
- D. Coordination.** Refer and coordinate matters related to the administration of this Title with other agencies and County departments; and

- E. **Amendment.** In compliance with Section 22.70.040 (Amendment), petition the Board to initiate amendment of this Title when the amendment would better implement the General Plan and increase its effectiveness and/or improve or clarify the procedures or content of this Title; and
- F. **Enforcement.** Enforce and secure compliance with the provisions of this Title in compliance with Chapter 22.74 (Enforcement).

[Amended 1986, Ord. 2250; 1992, Ord. 2583] [22.01.040]

22.70.030 - Adjustments

- A. **When allowed.** When a standard of Articles 3, 4, or 5, or a planning area standard of Article 9 identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. (For example, Section 22.10.140.D.2.b provides that a required front setback may be reduced to a minimum of five feet through the adjustment process when the elevation of the lot is seven feet above or below the street centerline at 50 feet from the centerline.)
- B. **Application filing and processing.** An adjustment request shall be filed with the Department in the form of an attachment to the project application, with appropriate supporting materials. The request shall specify the Land Use Ordinance standard requested for adjustment, and document the manner in which the proposed project qualifies for the adjustment. A request for adjustment shall not be accepted for processing by the Department unless the request is within the range of adjustments prescribed in the standard. A request for adjustment shall be approved by the Director when the Director finds that the criteria for adjustment specified in the subject standard are satisfied.

[Amended 1984, Ord 2163] [22.01.044]

22.70.040 - Amendments

This Title may be amended as provided by this Section whenever the Board determines that public necessity, convenience, or welfare would be served.

- A. **Initiation of amendment.** The Board may initiate the processing of an amendment upon its own motion; may accept a request for amendment from any interested party, including the Director and/or Commission; and may deny the processing of any requested amendment. Amendment requests from the public shall be filed using the forms provided by the Department and shall include the filing fee set by the county fee ordinance. The Board may refer a proposed amendment to the Director and/or Commission for response before deciding whether to process the amendment.

- B. Commission hearing.** After review of a proposed amendment in compliance with the California Environmental Quality Act, and completion of a Department staff report, the Commission will provide notice and hold a public hearing in compliance with Section 22.70.060. The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the Director, and adopt a recommendation to the Board.
- C. Commission recommendation.** After the public hearing, the Commission shall submit a written recommendation to the Board on the proposed amendment, giving the reasons for the recommendation and the relationship of the proposed amendment to affected elements of the General Plan and any affected specific plans.
- D. Board hearing and decision.** After receiving the Commission recommendation, the Board shall hold a public hearing in compliance with Section 22.70.060. The Board may approve, modify or disapprove the recommendation of the Commission. However, any modification of a proposed amendment by the Board not previously considered by the Commission shall first be referred to the Commission for report and recommendation. The Commission is not required to hold a public hearing on this type of referral. Failure by the Commission to report within 40 days after the referral shall be deemed approval of the proposed modification to the amendment.

[Amended 1992, Ord. 2583] [22.01.050]

22.70.050 - Appeals

Decisions of the Director, Department, or Commission may be appealed by an applicant or any aggrieved person as follows:

A. Processing of appeals:

1. **Timing and form of appeal.** An appeal shall be filed within 14 days of the decision that is the subject of the appeal, except where otherwise provided in this Title, using the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Section, including scheduling the matter before the appropriate Review Authority.
2. **Report and hearing.** When an appeal has been filed, the Director will prepare a report on the matter, and cause the appeal to be scheduled for consideration by the appropriate Review Authority identified in Subsection B. at its next available meeting after completion of the report.
3. **Action and findings.** After holding a public hearing in compliance with Section 22.70.060 (Public Hearing), the appeal body may affirm, affirm in part, or reverse the action, decision or determination that is the subject of the appeal, based upon findings of fact regarding the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non-compliance of the subject of the appeal with the provisions of this Title.
4. **Withdrawal of appeal - Land use permits.** After an appeal to a decision on a land use permit has been filed, the appeal shall only be withdrawn with the consent of the Review Authority or by written request of the individual or group that generated the appeal.
5. **Appeals with other remedies available.** Appeals relating to matters resolvable through adjustment, Variance, amendment of the Land Use Element or this Title, or modification of the provisions of this Title through Conditional Use Permit approval where allowed by Articles 3, 4, 5, and 9, shall be processed according to the procedures of Sections 22.70.030 and 22.62.070; Chapter 2 of the Land Use Element; Section 22.70.040, and Articles 3, 4, 5, and 9, respectively, instead of this Section.

B. Appeal jurisdiction. An appeal shall be heard and decided by the appeal body identified as follows, except where another Section of this Title may specify a particular appeal body for the purposes of that section.

1. **Department decisions.** The following decisions of the Director and/or Department staff may be appealed to the Commission:
 - a. Determination on the meaning or applicability of the provisions of this Title which are believed to be in error, and cannot be resolved with staff;

- b. Any determination that a land use permit application or information submitted with the application is incomplete (as provided by Government Code Section 65943);
 - c. Any decision of the Department to approve or deny any application for Site Plan Review approval;
 - d. Any determination of consistency with the Land Use Element;
 - e. Any decision by the Director to revoke an approved Zoning Clearance or Site Plan Review.
2. **Commission or Zoning Administrator decisions.** Any decision of the Commission or the Zoning Administrator in compliance with this Title may be appealed to the Board. The decision of the Board shall be final.
 3. **Subdivision Review Board decisions.** Any decision of the Subdivision Review Board on a land use permit associated with a land division application may be appealed to the Board of Supervisors. The decision of the Board of Supervisors shall be final.
 4. **Transfer of Development Credit Review Committee.** Decisions of the Transfer of Development Credit Review Committee on a request for sending site status and assignment of bonus credits as set forth in Chapter 22.24 may be appealed to the Board. The decision of the Board shall be final.

[Amended 1984, Ord. 2163; 1985, Ord 2217; 1988, Ord. 2339; 1992, Ord. 2553; 1992, Ord. 2853; 1994, Ord. 2696; 1996, Ord. 2776; 1999, Ord. 2880] [22.01.042]

22.70.060 - Public Hearings

When a public hearing is required by this Title before action on a Minor Use Permit (Section 22.62.050), Conditional Use Permit (22.62.060), Variance (Section 22.62.070) appeal (Section 22.70.050) or amendment (Section 22.70.040), the hearing shall be conducted as provided by this Section.

A. Notice of hearing. Notice of a public hearing shall be given as follows:

1. **Content of notice.** Notice of a public hearing shall contain the information required by Government Code Section 65094 and any additional information the Director deems appropriate.
2. **Method of notice/distribution.** Notice of public hearings in compliance with this Title shall be given as follows:
 - a. **Land use permits and appeals.** Notice shall be given as provided by Government Code Section 65091.
 - b. **Land Use Ordinance amendments.** Notice shall be given in compliance with Government Code Sections 65090 and 65091 et seq.

B. Scheduling of hearing. After an application for a land use permit, Variance or proposed amendment to this Title is issued an exemption, negative declaration or environmental impact report, or an appeal to a county action is filed, the matter shall be scheduled for public hearing on the next available Zoning Administrator, Subdivision Review Board, Commission or Board agenda (as applicable) reserved for these matters after completion of the Department staff report. At the request of the project applicant and/or at the discretion of the Review Authority, a public hearing may be continued from time to time.

C. Notice of County action when hearing is continued. If a decision on a permit or amendment is continued by the county to a time which is neither previously stated in the notice provided in compliance with Subsection A., nor announced at the hearing as being continued to a time certain, the county shall provide notice of the further hearings (or action on the proposed development) in the same manner as provided by Subsection A.

D. Conduct of hearing. At the public hearing, interested persons may present information and testimony relevant to a decision on the proposed project or amendment. Applications will be scheduled for separate action, except that a consent agenda may be used, where several applications may be considered at one time.

[Amended 1992, Ord. 2583] [22.01.060]

CHAPTER 22.72 - NONCONFORMING USES, STRUCTURES, PARCELS, AND SIGNS

Sections:

- 22.72.010 - Purpose of Chapter
- 22.72.020 - Nonconforming Use Defined
- 22.72.030 - Right to Continue a Nonconforming Use
- 22.72.040 - Issued Building Permit
- 22.72.050 - Nonconforming Uses of Land
- 22.72.060 - Nonconforming Buildings, Structures or Site Development
- 22.72.070 - Nonconforming Signs
- 22.72.080 - Destroyed Nonconforming Structures and Signs
- 22.72.090 - Nonconforming Keeping of Animals
- 22.72.100 - Nonconforming Parking
- 22.72.110 - Nonconforming Lots of Record

22.72.010 - Purpose of Chapter

The regulations provided in this Chapter are intended to control, improve or terminate land uses that do not comply with the provisions of this Title. [22.09.010]

22.72.020 - Nonconforming Use Defined

Nonconforming use includes any of the following that were lawfully established before the effective date of this Title, or amendment to this Title that caused the use to become nonconforming:

A. Nonconforming use of land:

1. A use of land established where the use is not identified as an allowable use by Section 22.06.030;
2. A use of land that is identified as an allowable use by Section 22.06.030, but:
 - a. Is not allowable on the particular site because of planning area standards of Article 9 (Community Planning Standards);
 - b. Was lawfully established without the land use permit now required by this Title; or
 - c. Is operated or conducted in a manner that does not now conform with standards of this Title relating to minimum site area, limitations on use, or location criteria.
3. A residential use that exceeds the number of dwelling units allowed on the site by this Title.

Nonconformities

22.72.030

B. Nonconforming building, structure or site development:

1. A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this Title relating to setback requirements, height limitations or sign requirements; or
2. A building or structure that does not conform with one or more standards of Title 19 of this Code (the Building and Construction Ordinance); or
3. A site that is developed and/or laid out in a manner that does not conform with standards of this Title relating to site access location, parking and loading, landscaping, screening, fencing, signs, solid waste collection and disposal, exterior lighting, fire safety or underground utilities.

[Amended 1992, Ord. 2553] [22.09.012]

22.72.030 - Right to Continue a Nonconforming Use

A nonconforming use as defined by Section 22.72.020, which was established before the effective date of this Title or before any subsequent amendment which creates such nonconformity, may be continued and maintained as allowed by Sections 22.72.050 (Nonconforming Uses of Land) and 22.72.060 (Nonconforming Buildings, Structures or Site Development). Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged. [22.09.020]

22.72.040 - Issued Building Permit

Nothing in this Title shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued and for which substantial site work (Section 22.64.080) was lawfully completed before the effective date of any amendment to this Title which creates a nonconformity. [22.09.022]

22.72.050 - Nonconforming Uses of Land

Any nonconforming use of land (Section 22.72.020.A) may be continued as follows, except as provided by Section 22.72.080 (Destroyed Structures and Signs):

- A. Expansion of existing use.** The use may not be enlarged, increased, or extended to occupy a greater area of land than was occupied by the use on the effective date of this Title or amendment to this Title which created a nonconformity, except as otherwise provided by this Section. No land use shall be established on the site in addition to the nonconforming use of land, except:
1. Where the nonconforming use is first brought into conformity with all applicable provisions of this Title and Title 19 of this Code prior to application for a new conforming use; or
 2. Where Conditional Use Permit approval authorizes a new use to be established subject to:
 - a. Conditions of approval that require that the nonconforming use be brought into conformity within a specific time to be determined by the Commission, not to exceed three years; or
 - b. Findings by the Commission that the proposed new use is independent from the nonconforming use and will not act to prolong the nonconforming use.
- B. Maintenance, repair and alteration.** A building or structure that constitutes a nonconforming use of land may undergo necessary repairs and maintenance consistent with the provisions of Section 22.72.080 (Destroyed Structures and Signs), but shall not be altered except for non-structural changes in the appearance of the building. Structural changes shall occur only where needed to correct conditions that have been determined by the building official to be hazards to the health or safety of users of the building or structure.
- C. Discontinued use.** If a nonconforming use of land is discontinued for a period of six months or more, or a nonconforming use of land in a building designed exclusively for the use (e.g., a service station) is discontinued for 12 months or more, any following use shall be in conformity with all applicable requirements of this Title, except as provided by Section 22.72.100 (Nonconforming Parking).
- D. Single-family dwelling.** A detached single-family dwelling existing as a principal use, and any accompanying residential accessory uses, may be continued as residential uses subject to Subsection B., and may be altered, provided that no increase in the number of dwelling units, or aggregate increase greater than 25 percent in the usable floor area, occurs. Additional residential accessory uses may also be established on the site as part of the allowed 25 percent expansion. Any expansion in compliance with this standard shall be in accordance with all applicable provisions of Articles 3, 4, and 5.

- E. Destroyed structure.** When a structure that constitutes a nonconforming use of land is destroyed or partially destroyed, its restoration is subject to Section 22.72.080 (Destroyed Structures and Signs).
- F. Nonconformity due to lack of land use permit.** Any nonconforming use that is nonconforming only because of the absence of a land use permit shall not be enlarged, altered or extended to occupy a greater land area without first securing approval of the required land use permit. The use shall be deemed a conforming use upon securing approval of the permit. Proposals for farm support quarters in compliance with Section 22.30.480.B. shall not be deemed an enlargement, alteration or extension of the existing use for purposes of this Subsection.
- G. Nonconforming use of land in a conforming building or structure.** The use of a building that is in conformity with the provisions of this Title for a nonconforming use of land may be continued and may be extended throughout the building provided no structural alterations to the building are made except those required by law.

[Amended 1992, Ord. 2539, 2553] [22.09.026]

22.72.060 - Nonconforming Buildings, Structures or Site Development

Any nonconforming building, structure or site development as defined by Section 22.72.020.B may continue to be used as provided by this Section (and Section 22.72.070 in the case of nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.

- A. Nonconforming buildings or structures - Expansion or alteration.** The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:
1. Proposed alterations or expansions consistent with all applicable provisions of this Title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this Code.
 2. Minor alterations which are determined by the building official to be necessary to improve or maintain the health and/or safety of the occupants, or are required by law.
 3. Restoration of destroyed or partially destroyed nonconforming buildings or structures, subject to Section 22.72.080 (Destroyed Structures and Signs).

The establishment of additional conforming buildings, structures or uses on the site may be allowed as provided by Subsection B.

B. Additional buildings, structures or uses. Separate conforming buildings, structures and uses of land may be established on the same site as a nonconforming building or structure, as follows:

1. **Permit requirement:** Minor Use Permit for all uses except farm support quarters, unless this Title would otherwise require Conditional Use Permit approval for the proposed additional building, structure or use. Site Plan Review for farm support quarters unless this Title would otherwise require Conditional Use Permit or Minor Use Permit approval.
2. **Criteria for approval.** The Review Authority shall not grant a Minor Use Permit in compliance with this Section unless it first determines that the existing building or structure satisfies the following requirements, or will be modified to meet the requirements as a result of conditions of approval.
 - a. The existing building or structure shall be brought into conformity with all applicable provisions of Chapter 22.50 (Fire Safety), provisions of Chapter 22.10 relating to air quality, explosives storage, exterior lighting, flammable and combustible liquids storage, noise, vibration, and water quality, and provisions of Chapter 22.14 relating to Airport Review, Flood Hazard and Geologic Study Areas.
 - b. The building or structure shall conform with all applicable provisions of Title 19 of this Code and the Uniform Building Code regarding the location of buildings on property and the fire resistiveness of exterior walls, parapets and roofs.

The Review Authority may also require through conditions of approval that the nonconforming building or structure be brought into compliance with any applicable provisions of this Code if they find that the correction is necessary to enable making the findings required for the approval of a Minor Use Permit or Conditional Use Permit by Sections 22.62.060, or to avoid other anticipated problems with the new proposed use.

C. Substitution of use. A use of land on a site with a nonconforming building or structure or nonconforming site development may be replaced with another use only as follows:

1. Substitution shall occur only when the new use is identified as an allowable use by Section 22.06.030 (Allowable Land Uses and Permit Requirements); and
2. The new use is established in compliance with the permit requirements and all other applicable provisions of this Title, except:
 - a. Modifications or alterations to the building may occur as provided by Section 22.72.060.A; and
 - b. Where the building or site does not conform with the parking standards of Chapter 22.18 (Parking and Loading Standards), substitution shall satisfy the provisions of Section 22.72.100 (Nonconforming Parking) instead of Chapter 22.18.

[Amended 1992, Ord. 2539] [22.09.030]

22.72.070 - Nonconforming Signs

The use of a legal nonconforming sign may be continued as follows, except as otherwise provided by Section 22.72.060.C (Substitution of Use):

- A. Expansion - Free standing sign.** A free-standing sign shall not be increased in area or lighting intensity; or moved from its location on the effective date of this Title or amendment to this Title which created a nonconformity, unless relocated in compliance with this Title.
- B. Attached sign.** A nonconforming sign affixed to a structure shall not be:
 1. Increased in area;
 2. Moved from its location on the effective date of this Title unless required by law or in compliance with this Title;
 3. Be provided with increased or intensified lighting;
 4. Changed to an advertisement for a business not occupying the premises or a product not sold on the premises.
- C. Sign copy.** The advertising copy on a nonconforming sign may be changed, except as provided by Subsections B., D. and E.
- D. Discontinued use.** If the use of a building or land associated with a nonconforming sign is discontinued, any signs except for an off-premise sign shall thereafter conform to Chapter 22.20 (Signs). Once a nonconforming off-premise sign is removed from a site, it shall not be reconstructed or replaced.
- E. Public nuisance.** Any nonconforming sign that is found to present a danger to the public or becomes unsightly because of disrepair or lack of proper maintenance may be declared a public nuisance by the Commission and abated as set forth in Chapter 22.74 (Enforcement).
- F. Destroyed sign.** Restoration of a destroyed or partially destroyed nonconforming sign is subject to Section 22.72.080 (Destroyed Structures and Signs).

[22.09.032]

22.72.080 - Destroyed Nonconforming Structures and Signs

The replacement of a destroyed nonconforming building, structure or sign shall occur only as allowed by this Section.

A. Replacement of destroyed non-residential structures.

1. If a nonconforming structure, a structure that constitutes a nonconforming land use (Section 22.72.050) or a nonconforming sign is destroyed or partially destroyed to the extent of 75 percent or more of the replacement cost (as determined by the County Fee Ordinance) of the total structure before destruction by fire, explosion or act of God, the destroyed use, structure or sign may be replaced or reconstructed only when the use, structure or sign and the site on which it was located are in conformity, or are brought into conformity with all applicable requirements of this Title.
2. If a nonconforming use, structure or sign is partially destroyed to less than 75 percent of its replacement cost, it may be restored to its former nonconforming status.

B. Replacement of destroyed dwellings. The replacement of a destroyed dwelling that was a nonconforming building or was located on a parcel with nonconforming site development is subject to the same requirements that are applied to non-residential structures by Subsection A. The replacement of a destroyed dwelling that was a nonconforming use of land is instead subject to the following requirements.

1. **Permit requirement:** Minor Use Permit.
2. **Required findings - Farm support quarters.** A Minor Use Permit to allow the replacement and restoration of destroyed farm support quarters to their former nonconforming status shall be approved only where the applicable Review Authority can first find that.
 - a. The farm support quarters was being used for the housing of farm or ranch workers employed on the same site at the time of its destruction;
 - b. Agricultural operations on the site are the same as or are more intensive than the agricultural use that existed on the site at the time the farm support quarters were established;
 - c. The agricultural uses on the site are likely to remain in operation over the life of the farm support quarters; and
 - d. If the site is no longer designated by the Land Use Element as being in the Agriculture land use category, the replacement of the farm support quarters will not act to hinder the orderly development of areas surrounding the site with land uses allowed by the current non-agriculture land use category.

- 3. Required findings - Other types of dwellings.** A Minor Use Permit to allow the replacement and restoration of destroyed dwellings (other than farm support quarters) to their former nonconforming status shall be approved only where the Review Authority can first find that.
- a. Replacement of the dwelling will not act to hinder the orderly development of areas surrounding the site with land uses allowed by the current nonresidential land use category;
 - b. The site will not be needed for the types of land uses allowed by the current non-residential land use category during the life of the dwelling; and
 - c. In the case of destroyed dwellings that were nonconforming because they exceeded the density currently allowed by this Title, replacement and restoration will only include the number of dwellings currently allowed.
- 4. Timing of replacement.** A Minor Use Permit for a replacement dwelling in compliance with this Section shall not be approved unless the application was filed with the Department and accepted for processing in compliance with Section 22.60.050.A (Determination of Completeness) within six months from the date of the destruction of the original dwelling.

22.72.090 - Nonconforming Keeping of Animals

The keeping of types or numbers of animals not allowed by Section 22.30.090 (Animal Raising and Keeping) may be continued provided that.

- A. The number of animals existing on the effective date of this Title or amendment which created a nonconformity shall not be increased except for new offspring of existing animals, which may be retained on-site until weaned, after which the new animals shall be removed.
- B. Deceased animals, or animals that are relocated for more than 90 days shall not be replaced.

Though this Section provides for the keeping of animals that are not in conformity with this Title, the use may be declared a public nuisance and abated in compliance with Chapter 22.74 (Enforcement), where the use is found by the Board to be dangerous or to prevent the full use and enjoyment of neighboring properties.

[Amended 1992, Ord. 2553] [22.09.034]

22.72.100 - Nonconforming Parking

Where a site is nonconforming only as to off-street parking (Section 22.04.160 et seq. - Parking), a new or additional allowable use may be established on the site or an existing allowable use may be expanded only after the requirements of this Title for off-street parking have been met for both the existing structure and the expansion, except as follows.

- A. Substitute uses.** A use of land on a site with nonconforming parking may be replaced with a different use only as allowed by Section 22.72.060.C, and as follows.
1. Where a substitute use is required by Chapter 22.18 to provide the same number of parking spaces as the previous use, no additional parking is required.
 2. Where a substitute use is required to have more spaces than the existing use, the number of spaces provided shall be the difference between those required for the new use and those required for the existing uses.
- B. Expansion of existing use.** An approved use may be expanded on a site with nonconforming parking only where the nonconformity is corrected, except in a central business district where the expansion may occur if parking is provided as required by Chapter 22.18 for the area of the expansion only.

[22.09.036]

22.72.110 - Nonconforming Lots of Record

A legal nonconforming lot may be used as provided by this Section.

- A. Legal nonconforming lot defined.** Any lot having an area less than the smallest minimum required or having a frontage, width, or depth less than the minimum prescribed by this Title or other ordinances, is a legal nonconforming lot if:
1. The lot is shown on a duly approved and recorded subdivision or parcel map; or
 2. The lot was created by means which were consistent with applicable legal requirements at the time the lot was created; or
 3. Verified by a Certificate of Compliance issued in compliance with Government Code Section 66499.35.
- B. Use of nonconforming lots.** A legal nonconforming lot may be used as follows.
1. A legal nonconforming 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), subject to Section 22.10.110 (Minimum Site Area) and Section 22.10.100 (Lot Consolidation) except where otherwise provided by a planning area standard (Article 9).

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2. Any group of nonconforming lots may be redivided, provided that.
 - a. The division is in accordance with all applicable requirements of Title 21 of this Code;
 - b. No parcel is less than the minimum area required by Section 22.10.100 (Lot Consolidation).

[Amended 1987, Ord. 2313] *[22.09.060]*

CHAPTER 22.74 - ENFORCEMENT

Sections:

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- 22.74.160 - Permit Revocation

22.74.010 - Purpose of Chapter

This Chapter establishes procedures for enforcement of the provisions of this Title and the provisions of Title 19 of this Code. The enforcement procedures of this Chapter are intended to support timely correction of nuisances and violations of the provisions of this Title while assuring due process of law in the abatement or correction of nuisances and violations. [22.10.010]

22.74.020 - Enforcement Administration

It shall be the duty of the San Luis Obispo County Sheriff, the Director, the Chief Building Official and the employees of the Department designated by the Director as Code Enforcement Officers to enforce the provisions of this Title. A Code Enforcement Officer has the following responsibilities and authorities in the enforcement and administration of the provisions of this Title.

- A. To review with affected individuals the provisions of this Title through initiation of administrative hearings and other methods to support voluntary compliance with its provisions.
- B. To issue citations for violations of this Title, and for violations of Titles 6 and 19 of this Code and to issue stop work orders in compliance with Title 19 of this Code.
- C. To initiate all necessary proceedings to forfeit bond or cash deposits.
- D. To initiate proceedings to revoke land use permits and other entitlements granted under this Title.

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- E. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this Title.
- F. To work with the Building Official in administering substandard building abatement programs
- G. To administer abandoned vehicle abatement programs in compliance with Chapter 8.24 of the County Code.
- H. To carry out any other special enforcement programs initiated by order or resolution of the Board, and any other responsibilities and authorities specified by this Chapter or this Code.

[22.10.020]

22.74.040 - Penalties

- A. Unless a different penalty is prescribed for violation of a specific provision of this Title, any person violating any of the provisions or failing to comply with the requirements of this Title is guilty of a misdemeanor, provided, however, that the offense shall be an infraction in the following events.
 - 1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;
 - 2. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- B. Each separate day on which a violation of this Title exists shall constitute a separate offense.
- C. Any person convicted of a misdemeanor under this Title shall be punished by imprisonment in the County jail for a period not exceeding six months, or by a fine not exceeding \$1,000, or by both.
- D. Any person convicted of an infraction under this Title shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of the same ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same ordinance committed by that person within one year.
- E. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

[Amended 1989, Ord. 2417] [22.10.022]

22.74.050 - Interference Prohibited

No person shall obstruct, impede or interfere with the Code Enforcement Officer or any other county employee, contractor or other authorized representative in the performance of code enforcement and nuisance abatement duties in compliance with this Title or other titles of this Code.
[22.10.024]

22.74.060 - Enforcement Hearings

Hearings conducted for the purposes of permit revocation, nuisance abatement, or appeals on the forfeiture of bonds, shall be conducted as follows.

- A. Review authority.** An enforcement hearing shall be conducted by the Review Authority assigned to the specific enforcement procedure by Sections 22.74.100 et seq.
- B. Conduct of hearing.** The appropriate Review Authority shall conduct an Enforcement Hearing as follows.
 1. The Review Authority will hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approval or conditional approval, to forfeit bond, or to abate a nuisance.
 2. Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, and cross-examine witnesses.
 3. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
 4. The Review Authority will deliberate upon the evidence and shall make findings upon the evidence to support any action of the Review Authority to revoke approval or conditional approval, abate a nuisance, or deny an appeal on the forfeiture of a bond. Thereafter the Review Authority shall issue its order to the respondent.

[22.10.030]

22.74.070 - Notices - Service and Release

- A. Service of notice.** Any notice required in compliance with this Chapter shall be served by the Code Enforcement Officer as follows, except where this Chapter provides otherwise.
 1. A copy of the notice shall be either served personally or by mail, postage prepaid, certified, return receipt requested, to.

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- a. The owner of the affected premises as shown on the last equalized assessment role. If no address can be found or is known to the Code Enforcement Officer, then the notice shall be mailed to the person at the address of the premises affected by the proceedings.
- b. Any lessees of record of the real property;
- c. The record owner of any affected recreational vehicle, mobile home or other vehicle and any holders of security interest(s) in the recreational vehicles, mobile homes or other vehicles;
- d. Any holder of a mortgage, deed of trust, lien or encumbrance of record on the real property; and
- e. Any person in real or apparent charge or control of the affected property, mobilehome, recreational vehicle or other vehicles.

The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder.

2. A copy of the notice shall be prominently and conspicuously placed upon the premises affected by the enforcement proceedings.
3. A copy of the notice shall be recorded in the office of the County recorder of San Luis Obispo County, except for a notice for a revocation of a bond or performance guarantee.

B. Release of Notice. Where a notice has been served in compliance with this Section and a Review Authority has not determined that sufficient grounds exist for nuisance abatement, or where the owner of an affected premises has corrected the condition which was the basis for initiation of enforcement action, the Code Enforcement Officer shall record a Satisfaction Release and Removal of Notice of Nuisance or Notice of Nuisance Abatement.

[22.10.040]

22.74.080 - Recovery of costs

This Section establishes procedures for the recovery of administrative costs incurred by the County in the enforcement process, for the abatement of conditions defined as a nuisance by Section 22.74.150.A, in cases where no permit is required in compliance with the provisions of this Title or Title 19 of this Code to abate the nuisance. These procedures are used where a nuisance is abated in advance of initiation of the procedures specified by 22.74.150.E.

A. Definition of costs. For the purposes of this Chapter, costs shall mean administrative costs, including staff time expended and reasonably related to nuisance abatement cases where no permit is required, for items including but not limited to investigation, site inspection and monitoring, reports, telephone contacts, correspondence and meetings with affected parties.

- B. Cost accounting and recovery required.** The enforcement officer shall maintain records of all administrative costs incurred by responsible county departments associated with the enforcement process in compliance with this Chapter and shall recover the costs from the property owner as provided by this Section. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board.
- C. Notice of cost recovery requirements.** The enforcement officer shall include in the notice of violation required by Section 22.74.100.A, a statement of the intent of the County to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing if he or she objects to the charges. The notice shall state that the property owner will receive at the conclusion of the enforcement case a summary of administrative costs associated with the processing of the enforcement case at the hourly rate in effect at the time the case is initiated. The notice shall state that the property owner will have the right to object to the charges by filing a request for hearing with the Director within 14 days of service of the summary of charges, in compliance with Subsection D.
- D. Summary of costs.** At the conclusion of the enforcement case, the Director shall send a summary of costs associated with enforcement to the property owner by certified mail. The summary shall include a notice which states that if the owner objects to the charges, a request for hearing must be filed as provided by Subsection f., and that if no hearing is requested, the owner's right to object will be waived and he or she will be fully liable for the charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County.
- E. Hearing on objection to charges.** Any property owner who receives a summary of costs in compliance with Subsection D. shall have the right to a hearing before the Director on his or her objections to the proposed costs, as follows.
- 1. Request for hearing.** A request for hearing shall be filed with the Department within 14 days of the service by mail of the summary of costs, in the form of a letter setting forth the nature of the property owner's objections to the costs.
 - 2. Scheduling of hearing.** Within 30 days of the filing of the request for hearing, and on 14 days written notice to the owner, the Director shall hold a hearing on the owner's objections and determine the validity thereof.
 - 3. Decision by Director.** In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.
 - 4. Appeal.** The decision of the Director may be appealed to the Board in compliance with Section 22.70.050.

- F. Collection of charges.** In the event that no request for hearing is filed in compliance with Subsection e. or after a hearing the Director affirms the validity of the costs, the property owner shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. The costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the country. [22.10.050]

22.74.090 - Additional processing fees

Any person who erects, constructs, alters, enlarges, moves or maintains any building or structure, or establishes a use of land for which a permit is required by this Title or Title 19 of this Code without first having obtained a permit shall, if subsequently granted a permit for that building, structure or use, or any related building, structure or use on the site, first pay the additional permit processing fees as established from time to time by the County fee ordinance. [22.10.052]

22.74.100 - Enforcement Procedures

The Code Enforcement Officer is hereby empowered to use any of the procedures described by this Chapter where appropriate to correct violations of, and secure compliance with, the provisions of this Title. [22.10.100]

22.74.105 - Initial Enforcement Action

The Code Enforcement Officer shall employ the procedures of this Section in the initiation of enforcement action where he or she has determined that real property is being used or maintained in violation of the provisions of this Title or Title 19 of this Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations of this Code, so that the other enforcement measures provided by this Chapter may be avoided where prompt correction occurs.

- A. Notice to responsible parties.** The Code Enforcement Officer shall provide the record owner of the subject site and any person having possession or control of the site with a written Notice of Violation, including the following information.
1. Explanation of the nature of the violations and any actions which the property owner must take to correct the violations;
 2. The time limit for correction of the violation in compliance with Subsection B.;
 3. A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 22.74.150.A, in compliance with Section 22.74.080;
 4. A statement that the property owner may request and be provided a meeting with the Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations.

- B. Time limit for correction.** The Notice of Violation in compliance with Subsection A. shall state that the violation must be corrected within 30 days from the date of the notice to avoid further enforcement action by the County, unless the responsible party contacts the Code Enforcement Officer within that time to arrange for a longer period for correction. The 30-day time limit may be extended at the discretion of the enforcement officer where he or she determines it is likely that the responsible party will correct the violation within a reasonable time. The notice may also state the requirement by the enforcement officer that correction shall occur within less than 30 days if the enforcement officer determines that the violation constitutes a hazard to health or safety.
- C. Use of other enforcement procedures.** The enforcement procedures of Sections 22.74.105 through 22.74.160 may be employed by the Code Enforcement Officer after or instead of the provisions of this Section in any case where the Code Enforcement Officer determines that the provisions of this Section would be ineffective in securing the correction of the violation within a reasonable time.
- D. Acknowledgement of correction.** When a violation of this Code is determined by the enforcement officer to have been corrected and any cost recovery required in compliance with Section 22.74.080 has been completed, the enforcement officer shall provide the property owner with a letter acknowledging that correction has occurred and that the County enforcement case has been closed.

[22.10.105]

22.74.110 - Abandoned Vehicle Abatement

The Code Enforcement Officer shall employ the procedures set forth in the California Vehicle Code and Chapter 8.24 of this Code to remove abandoned and/or inoperable vehicles from private property and secure their proper disposal. Abandoned vehicles located within public road rights-of-way may be removed only by the County Sheriff or California Highway Patrol. *[22.10.110]*

22.74.120 - Citation

The Code Enforcement Officer is hereby authorized by the San Luis Obispo County Board to issue a citation to any person who violates any of the provisions of this Title. Issuance of a citation shall be in compliance with Chapter 1.08 of this Code (Citations). Penalties for violation are established by Section 22.74.040 (Penalties). *[22.10.120]*

22.74.130 - Forfeiture of Bonds

The Code Enforcement Officer may initiate procedures to forfeit all or a portion of a bond or cash deposit (Section 22.64.040 - Guarantees of Performance). *[22.10.130]*

Enforcement

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22.74.140 - Injunction

The Code Enforcement Officer may work with County Counsel to secure injunctive relief to terminate a violation of the provisions of this Title. [22.10.140]

22.74.150 - Nuisance Abatement

The Code Enforcement Officer may employ the provisions of this Section to secure the abatement of nuisances, as defined by this Section.

A. Nuisance defined. Except as otherwise provided by this Section, a nuisance is any of the following:

1. Any condition declared by a statute of the state of California or ordinance by San Luis Obispo County to be a nuisance;
2. Any public nuisance known at common law or equity;
3. Any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and
4. Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this Title, or Titles 6, 8, or 19 of this Code.

B. Preexisting Agricultural Uses Not a Nuisance.

1. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.
2. Subsection B.1 shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.
3. This Section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code of the State of California, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.

4. For purposes of this Section, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

C. Notice of Nuisance. Upon the determination by the Code Enforcement Officer that a nuisance exists, a Notice of Nuisance may be prepared, with copies thereof to be served as provided by Section 22.74.070.A (Service of Notice). The Notice of Nuisance shall include the following information.

1. A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.
2. A description of the condition causing the nuisance. Where the Code Enforcement Officer has determined that the condition causing the nuisance can be corrected or abated by repair or corrective action, the notice is to state the repairs or corrective actions that will be required, and the time limit within which the nuisance must be corrected.
3. An order to complete abatement of the nuisance within 30 days.
4. A statement that if the nuisance is not corrected as specified, a hearing will be held before the Board to consider whether to order abatement of the nuisance and levy a special assessment, which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes in compliance with Section 25845 of the Government Code. Special assessments are subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.
5. A statement that the County intends to charge the property owner for all administrative costs associated with abatement of conditions defined as a nuisance by Section 22.74.150.A, in compliance with Section 22.74.080.
6. Where the Code Enforcement Officer has determined that the condition causing the nuisance is imminently dangerous to life or limb, or to public health or safety, the notice may include an order that the affected property, building or structure be vacated, pending correction or abatement of the conditions causing the nuisance.

D. Notice of Nuisance Abatement. If, upon the expiration of the period specified in the Notice of Nuisance, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been prosecuted with due diligence nor completed within the time specified, the Code Enforcement Officer shall prepare a Notice of Nuisance Abatement, and serve notice as provided by Section 22.74.070.A (Service of Notice). The Notice of Nuisance Abatement shall contain:

1. A heading, "Notice of Nuisance Abatement;"
2. A notice to appear before the Board at a stated time and place not less than 10 nor more than 30 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the Code Enforcement Officer; and
3. The information specified in Subsection C.

E. Abatement proceedings. When a Notice of Nuisance Abatement has been prepared and served in compliance with Subsection D., nuisance abatement shall proceed as follows.

1. **Hearing.** A decision to abate a nuisance shall be at the discretion of the Board, after a hearing conducted in compliance with Section 22.74.060 (Enforcement Hearings).
2. **Order by Review Authority.** Upon the conclusion of the hearing, the Board may terminate the abatement proceedings or it may order.
 - a. That the owner or other affected person shall abate the nuisance, prescribing a reasonable time (not less than 30 days) for completion of abatement.
 - b. That a request for additional time to complete abatement by a person subject to an abatement order shall be granted only if the affected person guarantees abatement within the time to be granted by submitting a bond or other guarantee in compliance with Section 22.64.040.
 - c. That, in the event abatement is not commenced, conducted and completed in accordance with the terms set by the Board, the Code Enforcement Officer is empowered and authorized to abate the nuisance.
3. **Service of Board order.** The order of the Board shall be served as provided by Section 22.74.070.A (Service of Notice), except that the order need not be posted on the property or recorded in compliance with Section 22.74.070.A.3.
4. **Commencement of time limits.** The time limits set by the Board for completion of abatement or other required actions shall begin upon service of the notice, unless the order of the Board sets specific dates for completion of abatement.

5. **Compliance with Board order required.** It is unlawful and a violation of this Code for any person to fail to comply with the provisions of an order of the Board in compliance with this Section. The penalty for failure to comply with the order shall be as set forth in Section 22.74.040.
- F. Abatement penalties and costs.** Upon expiration of the time limits established by Subsection E.4, the Code Enforcement Officer shall acquire jurisdiction to abate the nuisance, and shall carry out the following as appropriate.
1. **Disposal of materials.** Any materials in or constituting any nuisance abated by the enforcement officer may be disposed of, or if directed by the Board where the materials are of substantial value, sold directly by the General Services Department or the Director in a manner approved by County Counsel, or sold in the same manner as surplus county personal property is sold.
 2. **Account of costs and receipts and notice of assessment.** The enforcement officer will keep an itemized account of the costs of enforcing the provisions of this ordinance, and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the enforcement officer is to prepare a notice to be served as provided in Sections 22.74.080.A and B., specifying.
 - a. The work done.
 - b. An itemized account of the costs and receipts of performing the work.
 - c. An address, legal description, or other description sufficient to identify the premises.
 - d. The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses.
 - e. The time and place where the Code Enforcement Officer will submit the account to the Board for confirmation. The time and place specified shall be not less than 15 days after service of the notice.
 - f. A statement that the Board will hear and consider objections and protests to the account and proposed assessment or refund.
 3. **Hearing on account and proposed assessment.** At the time and place fixed in the notice, the Board will hear and consider the account and proposed assessment, together with objections and protests thereto, (Section 22.74.060 - Enforcement Hearings). At the conclusion of the hearing, the Board may make modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Board as to all matters contained therein is final and conclusive.

4. **Notice of lien.** Upon confirmation of an assessment by the Board, the Code Enforcement Officer shall notify the owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board, and advise them that they may pay the account in full within 30 days to the Department, to avoid the lien being recorded against the property. If the lien amount is not paid by the date stated in the letter, the Code Enforcement Officer shall prepare and have a notice of lien recorded in the office of the County Recorder. The notice shall contain:
 - a. A legal description, address and/or other description sufficient to identify the premises.
 - b. A description of the proceeding under which the special assessment was made, including the order of the Board confirming the assessment.
 - c. The amount of the assessment.
 - d. A claim of lien upon the described premises.
5. **Lien.** Upon the recordation of a notice of lien, the amount claimed shall constitute a lien upon the described premises, in compliance with Government Code Section 25845. The lien shall be at a parity with the liens of State and County taxes.
6. **Collection with ordinary taxes.** After recordation, the Notice of Lien shall be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as are provided for ordinary county taxes; all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to the assessment.

[22.10.150]

22.74.160 - Permit Revocation

The Code Enforcement Officer may initiate proceedings to revoke the approval of any land use permit issued in compliance with this Title or the former zoning ordinance (Ordinance 603 and all amendments thereto) in any case where a use of land has been established or is conducted in a manner which violates or fails to observe the provisions of this Title or a condition of approval, as provided by this Section.

- A. **Notice of Pending Revocation.** The Code Enforcement Officer shall notify the permittee of the intended revocation of the approval of a land use permit at least 10 days before a revocation hearing (Section 22.74.060 - Enforcement Hearings). The notice shall contain the following.
 1. A heading reading, "Notice of Revocation Hearing".

2. The provisions and/or conditions violated and the means to correct the violation(s), if any.
3. The date and place of the revocation hearing.

B. Revocation hearing. Before any action is taken to revoke an approved land use permit, a hearing shall be conducted in compliance with Section 22.74.060 (Enforcement Hearings). If the land use permit to be revoked is a Development Plan, or Conditional Use Permit, the revocation hearing shall be conducted by the Commission. If revocation of a Zoning Clearance, Plot Plan, Site Plan Review, Site Plan, Minor Use Permit or Departmental Review is being considered, the hearing shall be conducted by the Director acting as Zoning Administrator, in compliance with Section 22.70.020.B.

C. Action to revoke. If after the revocation hearing the Review Authority finds that grounds for revocation have been established, the Review Authority may:

1. Allow the permittee additional time to correct the violation or non-compliance; or
2. Modify conditions of approval on the basis of evidence presented at the hearing; or
3. Revoke the approved land use permit and order the discontinuance or removal of the approved use within a time specified by the Review Authority.

In the absence of an appeal in compliance with Subsection D., revocation shall become effective 14 days after the action of the Review Authority. Upon the effective date of revocation, the Code Enforcement Officer shall initiate nuisance abatement proceedings by preparing and serving a Notice of Nuisance in compliance with Section 22.74.150, with the time limit for action by the permittee specified in the notice being that set by the Review Authority in the revocation order.

D. Appeal. The permittee may appeal the decision of the Review Authority, and these appeals shall be processed in compliance with Section 22.70.050. Upon appeal, revocation does not take effect until affirmed by the appeal Review Authority identified by Section 22.70.050. After the hearing, the appeal Review Authority may affirm, modify or reverse the decision to revoke the permit. In the absence of an appeal, revocation shall take effect 14 days after the decision of the Review Authority.

E. Use after revocation. When an approved land use permit has been revoked, no further development or use of the property authorized by the revoked entitlement shall be continued, except in compliance with approval of a new land use permit and any other authorizations or permits required by this Code.

[Chapter amended 1988, Ord. 2339, 2345] [22.10.160]

Enforcement

22.74.160

ARTICLE 8

Land Use Ordinance Definitions

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CHAPTER 22.80 - DEFINITIONS/GLOSSARY

Sections:

22.80.010 - Purpose of Chapter

22.80.020 - Definitions Included by Reference

22.80.030 - Definitions of Land Uses, and Specialized Terms and Phrases

22.80.010 - Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of this Code, these definitions shall control for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of this Code, the Director shall determine the correct definition.

22.80.020 - Definitions Included by Reference

In addition to the definitions in this Chapter, the following are incorporated into this Chapter as though they were fully set forth here:

- A. The definitions contained within the state of California "Policy and Guidelines for the Reclamation of Mined Lands," adopted by the Division of Mines and Geology in compliance with the California Administrative Code; and
- B. The definitions of land use categories contained within Chapter 7 of Part I of the Land Use Element of the San Luis Obispo County General Plan, as amended.

If any definition in this Title conflicts with a definition included by reference, this Title shall control.

22.80.030 - Definitions of Land Uses, and Specialized Terms and Phrases

As used in this Title, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

A-Weighted Sound Level. The sound level in decibels as measured on a sound level meter using the A-weighting network (scale). The unit of measurement is referred to as dB. [Amended 1992, Ord. 2545]

Above Grade. Any elevation higher than the natural ground contour.

Accelerated Erosion. Rapid erosion caused by human induced alteration of the vegetation, land surface, topography or runoff patterns. Evidence of accelerated erosion is indicated by exposed soils, active gullies, rills, sediment deposits, or slope failures caused by human activities. [Added 1999, Ord. 2863]

Access. The means of vehicular entrance or exit to a site.

Access Driveway. A road to the site of a building or structure that is agriculturally exempt or for which a County building permit is required. [Added 1999, Ord. 2863]

Accessory Garage. See "Garage, Private."

Accessory Use. See "Use, Accessory."

Acre Foot. An engineering term used to denote a volume one surface acre in area and one foot in depth. [Added 1999, Ord. 2863]

Active Use Area. See "Use Area, Active."

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing." (SIC: 0723, 0724) (Amended 1995, Ord. 2740)

Agricultural Accessory Building. An uninhabited structure, designed and built to store farming animals, implements, supplies, or products (not including commercial greenhouses or buildings for agricultural processing activities), which is not used by the public.

Agricultural Accessory Structure (land use). An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural processing activities) that contains no residential use and is not open to the public. Also includes greenhouses engaged in agricultural research as the primary use. Agricultural Accessory Structures can also include but not be limited to wind and solar powered devices used for direct climate control, and water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site. Wind energy conversion machines for electric power generation are separately defined. Includes barns, grain elevators, silos, and other similar buildings and structures. [Amended 1989, Ord. 2411; 1995, Ord. 2740]

Agricultural Activity. An agricultural activity includes but is not limited to, cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities. The definition includes agricultural grading as described Chapter 22.52 (Grading and Drainage). [Added 1999, Ord. 2863]

Agricultural Products. Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting), and ornamental plant materials.

Agricultural Drainage Channels. Drainage channels to direct irrigation, natural drainage and tailwaters to and from agricultural fields. [Added 1999, Ord. 2863]

Agricultural Road. Access roads to fields, pastures or similar agricultural use. Does not include a road to an agriculturally exempt building or structure which requires a County construction permit. [Added 1999, Ord. 2863]

Agronomist. Someone who applies the various soil and plant sciences to soil management and the raising of crops. [Added 1999, Ord. 2863]

Air Contaminant. Any combination of smoke, charred paper, dust, soot, carbon, noxious acids, fumes, gases, or particulate matter.

Air Pollution Control District. The Air Pollution Control District of San Luis Obispo County as established by the California Health and Safety Code, Part 4, Division 26.

Airfields and Landing Strips (land use). Transportation uses including any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft operations and related facilities. Public airports may include aircraft sales and car rental establishments, eating and drinking places, hotels and motels, restaurants, cocktail lounges, gift shops, newsstands, beauty and barber shops, and other similar commercial uses serving the air-traveling public and airport employees. Also includes agricultural, personal, restricted and public uses landing strips, and heliports.

Airfields and Landing Strips. Any area of land or water used or intended for the landing and take-off of aircraft, and any accessory areas for airport buildings and other facilities. "Aircraft" includes helicopters, all fixed-wing airplanes and gliders (but not hang-gliders). Airfields and landing strips include:

- a. **Agricultural or Personal Landing Strip.** A landing strip or heliport for agricultural crop dusting or personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.
- b. **Restricted Use Airfield.** A landing strip or heliport with exclusive rights of use reserved to the owners or tenants of units within any cluster development, multi-family development, subdivision, industry, or institution, with nor more than 10 based aircraft; or an emergency heliport in conjunction with a hospital or public safety facility.

- c. **Public Use Airfield.** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman's Information Manual or in the Pacific Airman's Guide and Chart Supplement.

Airport Transition and Turning Areas. See "Imaginary Surfaces."

Allowable Use. "See Use, Allowable."

Ambient Noise Level. The composite of noise from all sources excluding the alleged offensive noise. In this context, the ambient noise level is the normal or existing level of environmental noise at a given location for a specified time of the day or night. [Amended 1992, Ord. 2545]

Amusement Park. Establishments having amusement concessionaires and/or amusement devices, including theme entertainment parks, skating rinks, skateboard parks, permanent carnivals, vehicular amusement parks, and similar facilities.

Animal Facilities (land use). Intensive agricultural and other animal care or keeping establishments including: hog ranches, dairies, dairy and beef cattle feedlots (the distinction between a grazing operation and a feedlot is established by Article 4 (Standards for Specific Land Uses) and by the definition of "Animal Keeping"); livestock auction, sales building and sales lot facilities; chicken, turkey and other poultry ranches; riding academies, equestrian exhibition facilities and large scale horse ranches; veterinary medical facilities and service, animal hospitals and kennels; zoos. See also "Animal Keeping," "Crop Production and Grazing."

Animal Keeping (land use). The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties such as rabbit farms and other fur-bearing animals; bee farms; aviaries; worm farms; household pets, etc. This definition does not include grazing, which involves the keeping of grazing animals at densities less than two animals per acre, and is instead included under the definition of "Crop Production and Grazing." See also "Animal Facilities."

Anti-Drain Valve or Check Valve. A valve located under a sprinkler head to hold water in the landscape irrigation system so it minimizes drainage from the lower elevation sprinkler heads. [Added 1993, Ord. 2648]

Apparel Products (land use). Manufacturing establishments, known as the cutting-up and needle trades, producing clothing and fabricating products by cutting and sewing purchased woven or knit textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Included in the apparel industries are three types of establishments: (1) "regular" or inside factories; (2) contract factories; and (3) apparel jobbers. Regular factories perform all of the usual manufacturing functions within their own plant; the contract factories manufacture apparel from materials owned by others; and apparel jobbers perform the entrepreneurial functions of a manufacturing company, such as buying raw materials, designing and preparing samples, arranging for the manufacture of the garments from their materials and selling of the finished apparel. Also includes leather and leather products, tanning and finished products. Custom tailors and dressmakers not operating as a factory are not included. (SIC: Group 23)

Applicant. A person, partnership, corporation or public agency applying for a County permit.

Application Filing. The act of the Department of Planning and Building receiving a completed application form for any permit established by this Title submitted to the Department of Planning and Building, together with any supporting information and the requisite filing fee.

Application Rate. The amount of landscape irrigation water applied to a given area, usually measured in gallons per hour. [Added 1993, Ord. 2648]

Applied Water. The portion of water supplied by the irrigation system to the landscape. [Added 1993, Ord. 2648]

Approach Area. An area extending outward from each end of the primary surface, longitudinally centered on the extended runway centerline. An approach area is applied to each runway based upon the type of approach available or planned for that runway. The inner edge of the approach area is the same width as the primary surface, and it is that land area defined by Federal Aviation Regulations, Part 77.25 (Civil Airport Imaginary Surfaces), as it exists on the effective date of this Title, or as it may be amended from time to time. (See also "Imaginary Surfaces").

Approach Surface. See "Imaginary Surface."

Approval Body. See "Review Authority". [Added 1992, Ord. 2553]

Approved. Reviewed and found to be in substantial compliance with requirements of this Title and any applicable uniform codes. [Added 1999, Ord. 2863]

Approved Land Use. See "Use, Approved."

Archaeological Resource. Any Native American or Pre-Columbian artifact or human remains.

Architect. Professional architect holding a valid registration and license from the State of California to practice architecture. [Added 1999, Ord. 2863]

Arterial. As defined in Chapter 6, Part I of the Land Use Element and shown on the LUE official maps as an existing or proposed arterial.

As-Graded. The condition and contour of the ground surface existing upon completion of grading. The location, description and elevations of surface and subsurface drainage facilities. [Amended 1999, Ord. 2863]

Auto, Mobile Home and Vehicle Dealers and Supplies (land use). Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet-skis (except bicycles and mopeds, which are included under "General Merchandise"). Such dealerships include any sales of vehicles by an individual when more than six vehicles are sold in one calendar year. Also includes establishments selling new automobile parts, tires and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Does not include establishments dealing exclusively in used parts, which are included under "Recycling and Scrap." Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include "Service Stations," which are separately defined. (SIC: Group 55)

Auto and Vehicle Repair and Services (land use). Commercial Service establishments engaged in repair, alteration, restoration, towing, painting, cleaning or finishing of automobiles, trucks, recreational; vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. May also include rental of cars, trucks or trailers; leasing of cars and trucks, except finance (equity) leasing which is included under "Financial Services." Does not include: automobile parking (classified in "Transportation"); repair shops subordinate to and maintained by a vehicle dealership which are included under "Auto, Mobile Home and Vehicle Dealers and Supplies"; service stations (which are separately defined); or automobile wrecking yards (which are included under "Recycling and Scrap"). (SIC: Groups 751, 753, 754)

Automobile Service Stations and Gas Stations (land use). Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales. May also include accessory towing, mechanical repair services and trailer rental, but does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work. Does not include the retail sale of gasoline as a subordinate service to food and beverage retail sales when limited to not more than two pumps. (SIC: Group 554)

Automatic controller. A mechanical or solid state timer for an irrigation system, capable of operating valve stations to set the days and length of time of a water application. [Added 1993, Ord. 2648]

B. Definitions, "B."

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system. [Added 1993, Ord. 2648]

Bars and Night Clubs (land use). Establishments selling alcoholic beverages for on-site consumption, including facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as a drinking place. Drinking places operated as subordinate service facilities within restaurants are instead included under the definition of "Restaurants."

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Equivalent to a 100-year flood. [Added 1986, Ord. 2250]

Bench. A relatively level step excavated into earth material, on which fill is to be placed.

Bench Drain. Lined or unlined channel that conveys surface waters from slopes to a safe disposal point. [Added 1999, Ord. 2863]

Billboard. See "Sign, Off-Premise."

Board, or Board of Supervisors. The Board of Supervisors of the County of San Luis Obispo.

Borrow. Earth material acquired from an off-site location for use in grading on a site.

Breakaway Walls. Any type of walls, whether solid or lattice, which is not part of the structural support of the building and which is so designed as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions: (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and (2) the elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood. [Added 1986, Ord. 2250; Amended 2004, Ord. 3024]

Broadcast Studios (land use). Commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and motion picture studios, with facilities entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors and antennas are included under the definition for "Pipelines and Transmission Lines." (Amended 1995, Ord. 2740)

Buildable Area (Developable Area). The area of the site in which structures may be located, not including required yard areas (See Figure 80-6, "Setbacks").

Building. Any structure having a roof supported by columns and/or walls and intended for shelter, housing, and/or enclosure of any person, animal or chattel, but not including tents. [Amended 1982, Ord. 2091]

Building, Accessory. A detached subordinate building, the use of which is incidental to that of a main building on the same lot.

Building and Construction Ordinance. Title 19 of this Code.

Building Face. The exterior walls of a building extending vertically from the building line.

Building Height. The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the topmost point of the structure, excluding chimneys or vents. (See Figure 80-1).

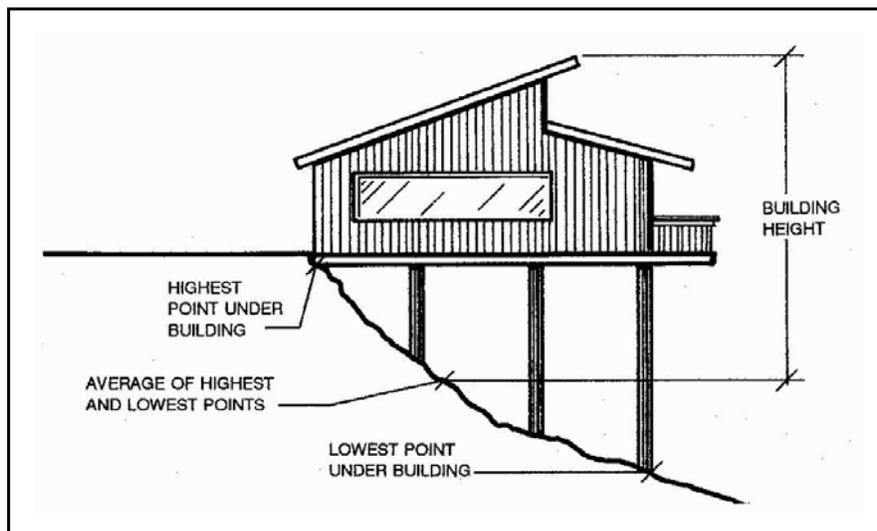


Figure 80-1- Building Height

Building Line. The line at which the exterior of a building intersects the finished grade of the building site, not necessarily the required yard setback line.

Building, Main or Principal. A building where the principal use of its lot and/or building site is conducted.

Building Materials and Hardware (land use). Retail trade establishments primarily engaged in selling lumber and other building materials including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Also includes incidental retail ready-mix concrete operations. Establishments primarily selling plumbing, heating, and air conditioning equipment and electrical supplies are classified in "Wholesaling and distribution" (SIC: Group 52).

Building Official. The Director of the Planning and Building Department of the County of San Luis Obispo or his/her duly designated deputy, as defined in the Building and Construction Ordinance, Title 19 of this Code. [Amended 1992, Ord. 2553]

Building Site. The area within a lot of record (or contiguous lots under single ownership) actually proposed for development with buildings or structures, including areas immediately adjacent to the buildings or structures to an extent equivalent to any required setback areas.

Business Support Services (land use). Service establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also including: outdoor advertising services; mail advertising services (reproduction and shipping); blueprinting, photocopying, photofinishing, commercial art and design (production); film processing laboratories; services to structures such as window cleaning, exterminators, janitorial services; heavy equipment and business equipment repair services including welding repair and armature rewinding and repair (except vehicle repair which is included under "Auto and Vehicle Repair and Service"; computer related services (rental, repair, and maintenance); research and development laboratories, including testing facilities; soils and materials testing laboratories; protective services (other than office related); equipment rental businesses that are entirely within buildings (equipment rental yards are included under "Storage Yards and Sales Lots"), including leasing tools, machinery and other business items except vehicles; trading stamp services; and other business services of a "heavy service" nature (SIC: Group 73)