

Attachment 1-D

LRP 2013-00016:C

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SAN LUIS OBISPO LAND USE ORDINANCE, TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, SECTION 22.96.050(E)(9), RELATING TO STANDARDS IN THE RESIDENTIAL RURAL LAND USE CATEGORY OF THE SAN LUIS BY SUB AREA OF THE SAN LUIS OBISPO AREA PLAN

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

SECTION 1: Section 22.96.050(E)(9) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Chapter 22.96 – San Luis Obispo Planning Area Section 22.96.050 – Land Use Category Standards

E. Residential Rural (RR). The following standards apply within the Residential Rural land use category.

9. Monte Road – North. The following standards apply to the site as shown in Figure 106-7 as Monte Road area A and B.

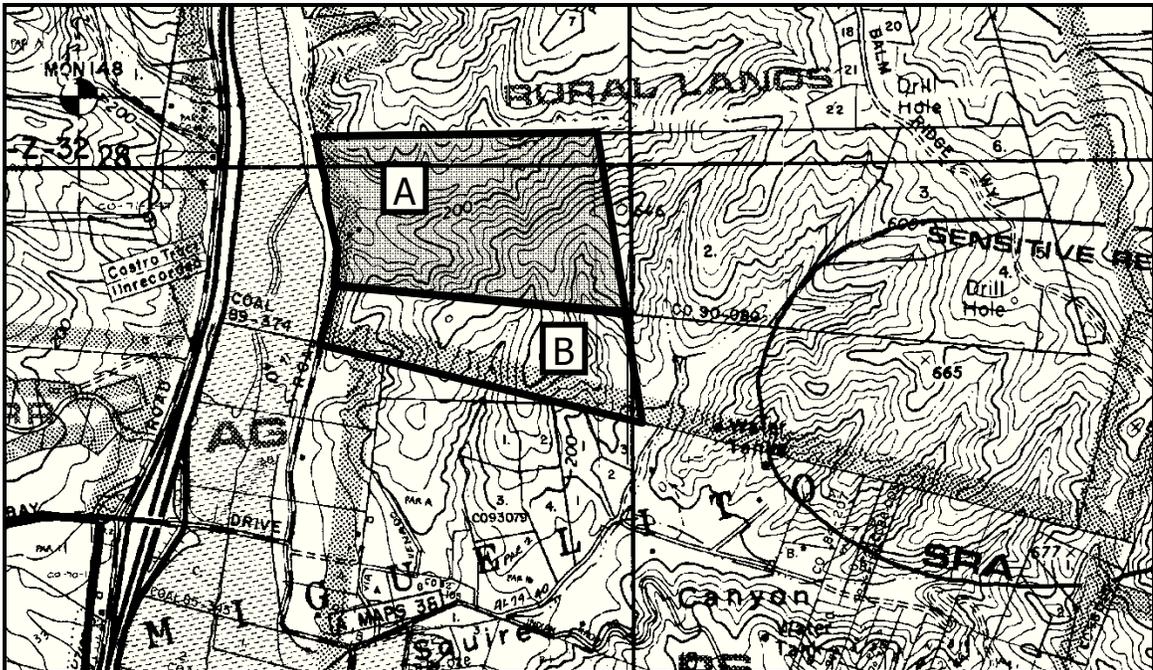


Figure 96-15: Monte Road Area - North

a. **Residential development.** Residential development shall comply with the following requirements:

- (1) **Residential density.** The maximum residential density for each parcel less than 80 acres in size is one single-family residence. Secondary units shall be prohibited on any parcel less than 80 acres in size.
- (2) **Elevation.** Residential development, including structures, grading, and other improvements, shall occur entirely below the 200-foot elevation contour.
- (3) **Agricultural buffer.** A minimum agricultural buffer of 200 feet as measured from the Monte Road right-of-way line shall be established. No habitable residential development shall occur within the buffer zone.
- (4) **Watercourse setback.** A watercourse setback of 50 feet from top-of-bank and/or extent of riparian vegetation, whichever is more restrictive, shall be required.
- (5) **Exterior colors.** Residences shall use dark, muted, earth-toned colors for all exteriors, including roofing. Colors must have a value and chroma of less than 6 on the Munsell scale. Applicants shall submit a colors and materials board with any application for construction or land use permits.
- (6) **Height.** Residential and residential accessory structures shall be limited to a maximum height of 25 feet above average natural grade.
- (7) **Roofing.** Building architecture shall include hip roofs with a minimum pitch of 3:12.
- (8) **Overhangs.** Building architecture shall include deep overhangs for any elevation visible from Highway 101.
- (9) **Lighting.** All exterior lighting fixtures visible from Highway 101 shall be dark sky certified or equivalent.
- (10) **Erosion control.** An erosion and sedimentation control plan shall be prepared prior to any proposed site work. The erosion and sedimentation control plan shall comply with the required contents and standards in Chapter 22.52 of the Land Use Ordinance.
- (11) **Drainage plan.** Land use permit, subdivision, construction, and grading permit applications shall include a drainage plan in compliance with Chapter 22.52 of the Land Use Ordinance. All future construction shall be in conformance with the San Luis Obispo Creek Watershed Drainage and Design Manual.
- (12) **Habitat assessment.** Prior to any site disturbance, a qualified biologist shall conduct a habitat assessment of the watercourses on the project site, in accordance with County and Department of Fish

and Game protocol, to determine if California red-legged frog (CRLF) or southwestern pond turtle (SWPT) exist on the site. If these species do not exist on the site, no further study needs to be undertaken. BR-7. If CRLF and/or SWPT exist(s) on site, the applicant and the project biologist shall consult with the California Department of Fish and Game (CDFG) and/or the US Fish and Wildlife (USFWS), as applicable, prior to site disturbance to determine appropriate measures to be undertaken in order to ensure significant impacts will not occur. At a minimum, the following measures shall occur:

- (a) The project biologist shall demonstrate that they are qualified to conduct the appropriate biological work to the satisfaction of the Department of Fish and Game and/or the US Fish and Wildlife Service (as applicable).
 - (b) The approved biologist shall conduct a training session for all construction personnel prior to commencement of site disturbance. At a minimum, the training shall include a description of the CRLF and/or SWPT and their habitat, the specific measures that are being implemented to conserve the CRLF and/or SWPT for the current project, and the boundaries where site disturbance may occur.
 - (c) The project biologist shall have the authority to stop work or redirect work to occur in areas that will not disturb the individual(s), or to relocate the individual(s) pursuant to USFWS / CDFG guidelines.
 - (d) The approved biologist shall be present at the work site until all CRLF / SWPT have been removed, workers have been instructed, and disturbance of habitat has been completed.
 - (e) During construction/ground disturbing activities, all trash that may attract CRLF and/or SWPT predators will be properly contained, removed from the work site, and disposed of regularly. Prior to occupancy or final inspection, whichever occurs first, all trash and construction debris will be removed from work areas.
 - (f) During construction/ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and in a location where a spill would not drain directly toward aquatic habitat.
- (13) **Permits.** Prior to site disturbance, the applicant shall demonstrate to the County that they have obtained any and all necessary permits from the California Department of Fish and Game and the US Fish

and Wildlife Service, or demonstrate that such permits are not necessary.

- b. **Use restriction – Area B.** All land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses in the RR land use category may be authorized in compliance with the land use permit requirements of that section, except that such uses in Area B (Figure 106-7) shall be limited to: crop production and grazing, and pipelines and transmission lines.
- c. **New land divisions.**
 - (1) The minimum parcel size shall be 40 acres.
 - (2) Subdivision of Area A (Figure 106-7) shall require the granting of an open space easement covering at least 85 percent of the site. The open space easement agreement shall include the following restrictions:
 - (a) Prohibition on grazing and/or crop production within the open space easement area.
 - (b) Prohibition on planting of ornamental vegetation within the open space easement area.
 - (c) Requirement that development of new water sources and systems within the open space easement area be done in such a manner as to avoid any impact to or removal of oaks and/or manzanitas.
 - (3) Building envelopes for subdivision of Area A (Figure 106-7) shall be established in an area with average slopes of less than 30 percent.
 - (4) Subdivision of Area A (Figure 106-7) shall comply with the mitigation agreement recorded as Instrument 1997-071413 of Official Records, and any subsequent mitigation agreements that supersede or amend this agreement. The applicant shall enter into a mitigation agreement with the County of San Luis Obispo, reaffirming the measures identified in Instrument 1997-071413. The new mitigation agreement shall also incorporate all applicable planning area standards identified in Subsections D.5.a and D.5.c.

- 10. **Monte Road – South.** The following standards apply to the site as shown in Figure 96.15.5 as Monte Road.

- a. **Parcel Size.** The minimum parcel size for new land division in Monte Road South shall be 5 acres. No more than two parcels shall be allowed in any subsequent subdivision on the 16.74 acre parcel.
- b. **Density limitation.** Residential density in Monte Road South area shall be limited to a maximum of one primary single family residence for each 5 acre parcel. No secondary residences shall be allowed.

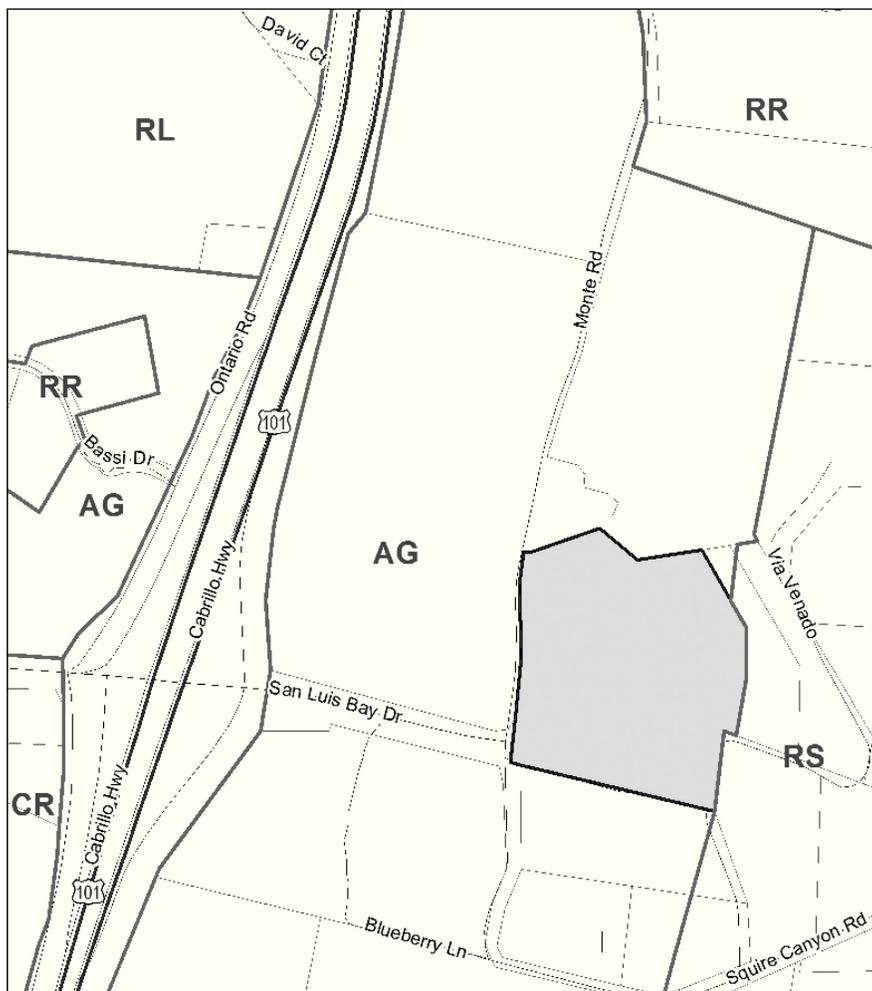


Figure 96-15.5: Monte Road South

SECTION 2. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section,

subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

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

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM:

RITA L. NEAL
County Counsel


By: Assistant County Counsel

Dated: January 19, 2016