



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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 12/15/2020	(3) CONTACT/PHONE Jill Coomer Code Enforcement Supervisor (805) 781 - 4031	
(4) SUBJECT Introduction of attached Ordinances amending Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), and Chapter 1.05 (Administrative Fines) of Title 1 (General Provisions) of the San Luis Obispo County Code to establish a hearing officer for traditional code enforcement cases and make additional amendments to facilitate a more effective and efficient code enforcement process. Hearing set for January 5, 2021. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Introduce the attached Ordinances amending Title 22 (Land Use Ordinance), Title 23 (Coastal Land Use Ordinance) and Chapter 1.05 (Administrative Fines) of Title 1 (General Provisions) of the San Luis Obispo County Code to establish a hearing officer for traditional code enforcement cases and make additional amendments to facilitate a more effective and efficient code enforcement process; and</li> <li>2. Schedule a public hearing for January 5, 2021 to consider the attached Ordinances.</li> </ol>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date 11/17/2020	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building  
Jill Coomer, Code Enforcement Supervisor

VIA: Trevor Keith, Director

DATE: December 15, 2020

SUBJECT: Introduction of attached Ordinances amending Title 22 (Land Use Ordinance), Title 23 (Coastal Land Use Ordinance) and Chapter 1.05 (Administrative Fines) of Title 1 (General Provisions) of the San Luis Obispo County Code to establish a hearing officer for traditional code enforcement cases and make additional amendments to facilitate a more effective and efficient code enforcement process. Hearing set for January 5, 2021. All Districts.

### **RECOMMENDATION**

It is recommended that the Board:

1. Introduce the attached Ordinances amending Title 22 (Land Use Ordinance), Title 23 (Coastal Land Use Ordinance) and Chapter 1.05 (Administrative Fines) of Title 1 (General Provisions) of the San Luis Obispo County Code to establish a hearing officer for traditional code enforcement cases and make additional amendments to facilitate a more effective and efficient code enforcement process; and
2. Schedule a public hearing for January 5, 2021 to consider the attached Ordinances.

### **DISCUSSION**

#### **Summary**

This item is an introduction of ordinance amendments to Title 1 – General Provisions, 22 – Land Use Ordinance, and 23 – Coastal Zone Land Use Ordinance, for the public hearing, which is set for January 5, 2021. The intent of this item is to establish a code enforcement hearing officer process, which will help improve the County code enforcement process.

#### **Background**

On November 17, 2020, the Board prioritized the establishment of a Code Enforcement Abatement Hearing Process for Traditional Code Enforcement as a Tier I priority during the Department of Planning and Building Priorities report presentation.

With this direction, staff reached out to several counties in California to understand their abatement hearing process. The results were very similar to the County Cannabis Hearing Officer process, which was established by the Board on March 20, 2018. The Cannabis Hearing Officer process has proven to be an effective and efficient means for Cannabis Code Enforcement section to conduct nuisance abatement hearings. The benefits with the hearing officer process include the ability to streamline legal proceedings to abate, issue fines and recover related costs to the County. This hearing process provides an opportunity for the public to comment on any given case. It should be noted that while this streamlined process will allow cases to be brought to hearing in an expedited manner, it will not compromise the integrity of due process for the property owner.

This has proven to be an incentive for those in violation to come into compliance at a higher rate than the current process for traditional code cases. For these reasons, the Department of Planning and Building is proposing to adopt a similar hearing officer process for standard code enforcement cases.

**Introduction of Proposed Amendments<sup>1</sup>**

This item is an introduction to a hearing for the Board to consider ordinances amending Chapter 1.05 (Administrative Fines) of Title 1 (Attachments 7 and 8), Title 22 (County Inland Land Use Ordinance) (Attachments 3 and 4), and Title 23 (Coastal Zone Land Use Ordinance) (Attachments 5 and 6) to establish the Office of County Hearing Officer. In addition, the proposed ordinance amendments would authorize the Director of Planning and Building to amend the existing Cannabis Hearing Officer contracts to include hearings as defined in Chapter 22.74 and 23.10 of the County Land Use Ordinance. Below is a summary of the proposed amendments:

TOPIC	ORDINANCE SECTION(S)	PROPOSED AMENDMENT
Administrative Fines	Chapter 1.05 of Title 1	<ul style="list-style-type: none"> <li>• Establish administrative fines for misdemeanors, violations of Title 19 County Building and Construction Ordinance, and violations of the County events ordinances</li> <li>• Appoints the County Hearing Officer as the hearing administrator for appeals to notice of fines</li> </ul>
Lodging Homestays	Title 22.30.270 and Title 23.08.265	<ul style="list-style-type: none"> <li>• Further defines a violation to include the advertisement of an unpermitted homestays</li> </ul>
Lodging Recreational Vehicle (RV) Parks	Title 22.30.300 and Title 23.08.266	<ul style="list-style-type: none"> <li>• Further defines a violation to include the advertisement of an unpermitted recreational vehicle park and commercial campground</li> </ul>
Residential Vacation Rentals	Title 22.30.510 and Title 23.08.165	<ul style="list-style-type: none"> <li>• Further defines a violation to include the advertisement of an unpermitted vacation rental</li> </ul>

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<sup>1</sup> Government Code section 65853 and 65850 require that specified classes of amendments to the County's zoning ordinances first be heard by the Planning Commission, who then provides a recommendation to the Board of Supervisors. This requirement applies to amendments that change zoning, regulate the use of buildings, structures, and land, in addition to other classes of amendments also not applicable to this action. In accordance with these sections of the Government Code, the proposed amendments to Titles 22 and 23 were not presented to the Planning Commission for a recommendation.

		<ul style="list-style-type: none"> <li>Appoints the County Hearing Officer as the hearing administrator for appeals of permit denial</li> </ul>
Temporary Events	Title 22.30.610 and Title 23.08.248	<ul style="list-style-type: none"> <li>Further defines a violation to include the advertisement of unpermitted temporary events</li> </ul>
Enforcement	Title 22.74 and Title 23.10	<ul style="list-style-type: none"> <li>Establishes the Office of County Hearing Officer and defines its authority</li> <li>Defines the County Hearing Officer process and procedures</li> </ul>

**OTHER AGENCY INVOLVEMENT/IMPACT**

The proposed ordinances have been approved by County Counsel as to form and legal effect.

As an administrative action, these Ordinance amendments are exempt from environmental review under California Environmental Quality Act (CEQA) based on the commonsense exemption, CEQA Guidelines § 15061(b)(3).

**FINANCIAL CONSIDERATIONS**

Costs of developing the proposed ordinance was covered by using General Fund support with the current Department of Planning and Building budget.

**RESULTS**

Introduction of the Ordinances amending Title 22, Title 23, and Chapter 1.05 of Title 1 will allow them to be heard on January 5, 2021 and become effective 30 days after final action, subject to Coastal Commission certification.

**ATTACHMENTS**

- 1 Ordinance Amending Title 22 (Inland Land Use Ordinance) – Redline
- 2 Ordinance Amending Title 23 (Coastal Land Use Ordinance) – Redline
- 3 Ordinance Amending Title 1 Chapter 1.05 (Administrative Fines) – Redline