

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: SEPTEMBER 6, 2019



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
[RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: SEPTEMBER 6, 2019

AGENDA ITEM

D

SEPTEMBER 11, 2019

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 28, 2019, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) APPROVE JOB DESCRIPTION MODIFICATIONS FOR THE POSITION OF
ADMINISTRATIVE SUPERVISOR [RECOMMEND APPROVE MODIFICATION]

TO: BOARD OF DIRECTOR

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: SEPTEMBER 6, 2019

AGENDA ITEM
D-1
SEPTEMBER 11, 2019

WARRANTS WILL BE DISTRIBUTED ON TUESDAY, SEPTEMBER 10, 2019

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: SEPTEMBER 6, 2019



**AGENDA ITEM
D-2
SEPTEMBER 11, 2019**

**APPROVE AUGUST 28, 2019
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. August 28, 2019 draft Regular Board Meeting Minutes

SEPTEMBER 11, 2019

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

AUGUST 28, 2019 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
CRAIG ARMSTRONG, DIRECTOR
DAN WOODSON, DIRECTOR

PRINCIPAL STAFF

MARIO IGLESIAS, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
WHITNEY MCDONALD, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of August 28, 2019, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Board Members were present.

Commander Michael Manuele of the San Luis Obispo County Sheriff's Office provided a summary of Calls for Service and Reports written for the month of July for South County known as Beat 7.

C. PRESENTATIONS AND REPORTS

C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.

Receive Announcements and Reports from Directors

Director Woodson

- August 26, attended SCAC meeting.

Director Gaddis

- August 15, attended meeting with District legal team.
- August 19, attended Board Officers' meeting.

Director Eby

- August 15, attended NMMA Technical Group meeting.
- August 15, attended meeting with District legal team.
- August 15, attended Board Officers' meeting.
- August 26, attended SCAC meeting.

C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Blair and seconded, the Board unanimously approved receiving and filing presentations and reports.

Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Blair, Gaddis, Woodson, Armstrong and Eby	None	None

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.*

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 14, 2019, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ADOPT REVISIONS TO STANDARD SPECIFICATIONS FOR WATER AND SEWER SYSTEM IMPROVEMENTS [RECOMMEND ADOPT RESOLUTION REVISING STANDARD SPECIFICATIONS FOR WATER AND SEWER IMPROVEMENTS]
- D-4) HYDROGEOLOGICAL SERVICES FOR EUREKA WELL REPLACEMENT PROJECT [RECOMMEND AUTHORIZE CONTRACT FOR HYDROGEOLOGICAL SERVICES WITH HOPKINS GROUNDWATER CONSULTANTS, INC IN THE AMOUNT OF \$96,850 AND AUTHORIZE CONTINGENCY IN THE AMOUNT OF \$10,000]
- D-5) AUTHORIZE PURCHASE OF REPLACEMENT RETURN ACTIVATED SLUDGE PUMP FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY [RECOMMEND ADOPT RESOLUTION AUTHORIZING PURCHASE OF ONE REPLACEMENT RETURN ACTIVATED SLUDGE PUMP FROM PERRY'S ELECTRIC MOTORS AND CONTROLS IN THE AMOUNT OF \$41,419]

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Consent Agenda.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Gaddis, Blair, Woodson, Armstrong and Eby</i>	<i>None</i>	<i>None</i>

RESOLUTION NO. 2019-1522
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REVISING THE DISTRICT'S STANDARD SPECIFICATIONS FOR WATER AND SEWER SYSTEM IMPROVEMENTS

RESOLUTION NO. 2019-1523
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A CONTRACT WITH HOPKINS GROUNDWATER CONSULTANTS, INC. FOR HYDROGEOLOGICAL SERVICES IN SUPPORT OF THE EUREKA WELL REPLACEMENT PROJECT

RESOLUTION NO. 2019-1524
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF A REPLACEMENT RETURN ACTIVATED SLUDGE PUMP FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY FROM PERRY'S ELECTRIC MOTORS AND CONTROLS IN THE AMOUNT OF \$41,419

SUBJECT TO BOARD APPROVAL

E. ADMINISTRATIVE ITEMS

E-1) ADOPT RESOLUTION DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO THE GENERAL MANAGER FOR CLAIMS AGAINST THE DISTRICT AMOUNTING TO \$2,500 OR LESS [RECOMMEND ADOPT RESOLUTION DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO GENERAL MANAGER FOR CLAIMS AMOUNTING TO \$2,500 OR LESS]
Mario Iglesias, General Manager, presented the item and answered questions from the Board. Whitney McDonald, District Legal Counsel, answered questions from the Board.

Pam Wilson, NCSD customer, stated this was a good idea.

*Upon the motion of Director Blair and seconded, the Board unanimously approved the Resolution.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Blair, Armstrong, Woodson, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

RESOLUTION NO. 2019-1525

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DELEGATING CLAIMS HANDLING AND SETTLEMENT
AUTHORITY TO GENERAL MANAGER

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

There were no public comments.

President Eby directed Staff to place proposed San Luis Obispo Accessory Dwelling (ADU) Ordinance on the next agenda for discussion.

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)
 - b. KIERAN L. ADAM, ET AL V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02091)

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

- c. JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP, ET AL. V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02086)
- d. JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP V. CITY OF SANTA MARIA, ET AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0230)
- e. KOCH CALIFORNIA LTD., ET AL. V. CITY OF SANTA MARIA, ET AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0227)

- 2. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code 54957.6)
AGENCY DESIGNATED REPRESENTATIVES: BOARD PRESIDENT
AND/OR VICE PRESIDENT
UNREPRESENTED EMPLOYEE: GENERAL MANAGER

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 9:50 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board took a 10 minute break.

Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1(a) through 1(e) and 2 in Closed Session and took no reportable action.

ADJOURN MEETING

President Eby adjourned the meeting at 10:39 a.m

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 50 minutes
Closed Session	0 hour 49 minutes
TOTAL HOURS	1 hour 39 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: SEPTEMBER 6, 2019



APPROVE JOB DESCRIPTION MODIFICATIONS FOR THE POSITION OF ADMINISTRATIVE SUPERVISOR

ITEM

Approve the job description modification for the Nipomo Community Services District's ("District") Administrative Supervisor position. [RECOMMEND APPROVE MODIFICATION]

BACKGROUND

On June 13, 2018, your Honorable Board approved changes to the job title, description, and salary range of the Public Information Director/Clerk position to Administrative Supervisor. Staff recruited for the position in September 2018, but was unsuccessful in finding the right candidate. It was decided that waiting a year to continue the recruiting process for this position may yield a better result.

During the period of time between recruitments, it was determined that additional modification to the job description may be warranted. Two items are proposed to be modified in the attached version of the job description: the percentage of time dedicated to the primary job duties, and the language added under Education and Experience.

By shifting a greater percentage of the job duties to administrative work and less time to public relations work, staff believes a candidate with strong administrative and accounting credentials would be more inclined to apply for the position. The skill sets the District is looking for in a candidate for each type of work, accounting verses public relations development, may have contributed to the small pool of applicants. By increasing the weight of administrative work and decreasing the percentage of the public relations development work, a potential candidate may find it easier to align their skills with what the District is looking for and be more inclined to apply for the position.

Staff is also recommending an addition to the Education and Experience category. Adding language expressing the District's desire to have a candidate who has achieved their Certified Public Accounting ("CPA") license would signal to potential candidates the District is looking to fill the position with an accountant minded person. The language being proposed clearly states that a CPA license is desired, not required, for the position.

FISCAL IMPACT

No fiscal impact is anticipated.

STRATEGIC PLAN

Goal 3. PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization.

3.b. Ongoing activities

B.1 Ensure the District is adequately staffed with high quality, long-term employees and supported by appropriate contractors and partnerships.

RECOMMENDATION

It is recommended that your Board review and discuss the proposed modifications to the District's Administrative Supervisor position, edit if necessary, and approve the final version of the job description for this position.

ATTACHMENTS

A. Administrative Supervisor Job Description - Blackline Version

SEPTEMBER 11, 2019

ITEM D-3

ATTACHMENT A

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

POSITION: Administrative Supervisor

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

1. DEFINITION AND SUMMARY OF DUTIES

Under general direction of the Finance Director, the Administrative Supervisor has three primary functions: oversee the daily operations of the administrative office and support the Finance Director, act as the Clerk to the Board of Directors, and assist the General Manager in the development and implementation of the District's public information program.

Duties of the Administrative Supervisor include but are not limited to overseeing the office staff, assisting in providing customer service in the office and directing and maintaining general office practices and procedures. In support of the Finance Director, the Administrative Supervisor will be responsible for processing the organization's payroll, assisting in preparing the annual budget and audit, and performing other budgeting and accounting responsibilities.

As Clerk to the Board, the employee assists in preparation and production of Board Agendas, attends and documents Board meetings, serves as Clerk to the Board and maintains District Ordinances and Resolutions, Board forms and training documents, and performs a variety of administrative and operational functions in support of the General Manager and Board of Directors.

As a public information point of contact, the Administrative Supervisor works in collaboration with the General Manager in developing and implementing comprehensive communication messages for District business, oversees District website and social media platforms, prepares public relations materials including District newsletters, press releases, promotional and educational materials.

2. ESSENTIAL DUTIES AND RESPONSIBILITIES

Administrative Supervisor (6575% of Job Duty):

- a) Provides supervision, assistance, training and back-up to office staff on a regular basis.
- b) Assists customers and the public in person, over the telephone, or electronically in all aspects of District business; explains District policies and procedures, answers questions and resolves complaints or problems.
- c) Performs bi-weekly payroll processing including initiating all payroll related payments and reports in an accurate, compliant and timely manner.
- d) Prepares and processes a variety of bi-weekly, monthly, quarterly and year-end reports.
- e) Processes accounts payable including preparing checks for approval.
- f) Understands governmental fund accounting and participates in maintenance of the general ledger, including account reconciliation and preparing journal entries.
- g) Assists Finance Director in developing the annual budget.
- h) Assists Finance Director in preparing for annual audit.
- i) Acts as District Record's Coordinator in accordance with the District's Records Retention and Destruction Policy and Email Policy.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

POSITION: Administrative Supervisor

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

Clerk to the Board (15% of Job Duty):

- a) Ensures compliance with Brown Act (Open Meeting Rules), Fair Political Practices Commission Rules and Regulations. Prepares and submits necessary forms.
- b) Assists in preparation of the agenda for Board of Directors meetings; leads final review, assembly and production of Agenda materials, prepares agenda packets for the Board members and assures that appropriate legal notification of meeting time and content is publicized, including posting to web site and email distribution.
- c) Prepares Board Meeting room, attends all Board meetings; assures that all required materials are available; operates a recorder for documentation of the meetings and takes supplemental notes.
- d) Drafts Board meetings minutes from recording and notes; after review, prepares and distributes copies following established procedures.
- e) Ensures Ordinances and Resolutions are processed and filed in accordance with applicable regulations.
- f) Coordinates public/protest hearing notices and collect responses.
- g) Maintains Board training documents and forms.

Public Information Director (2010% of Job Duty):

- a) Assists General Manager in implementing the District's Public Information and Outreach Program.
- b) Designs and develops public information, media advertising and marketing materials; writes, designs, edits, and produces bi-monthly customer newsletter, District brochures, event flyers, advertisements, bill inserts.
- c) Maintains information on District website. Coordinates upgrades to District website, as needed.
- d) Maintains District's transparency standards and distinction by coordinating efforts to complete and submit applications for evaluation by the appropriate evaluating organizations.
- e) Prepares and distributes press releases, fact sheets, media advisories, and articles. Coordinates media/press events. Serves as District Public Information Officer, as appropriate.
- f) Responsible for coordinating timely responses to public records requests.
- g) Coordinates with other departments and District staff as needed to complete assignments.
- h) Assists with internal communications and trainings.
- i) Safely operates a motor vehicle (District or personal) to perform District duties.
- j) Performs related duties similar to the example duties in scope and function as required.
- k) Represents the District in a professional manner.

3. QUALIFICATIONS

This position requires knowledge and proficiency in the following:

- a) Basic accounting, financial reporting, and budgeting procedures and requirements.
- b) Basic principles and practices of public administration.
- c) Basic supervisory principles and practice.
- d) Local government agencies and community services districts.

JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT

POSITION: Administrative Supervisor

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

- e) Standard office practices and procedures, including filing and the use of standard office equipment.
- f) Microsoft Word, Excel and Outlook. Proficiency in these applications is required. Knowledge of Microsoft Publisher is desirable.
- g) Correct business English, including spelling, grammar and punctuation.
- h) Techniques for dealing with the public, in person and over the telephone.
- i) Handling multiple tasks and meeting critical time deadlines.
- j) Record keeping principles and practices including electronic records creation and retrieval methods.

4. ESSENTIAL ABILITIES

- a) Supervises, trains and evaluates staff.
- b) Prepares, examines and verifies a wide variety of financial documents and reports.
- c) Maintains accurate records and files.
- d) Interprets, explains and applies principles and practices of general, fund and governmental accounting.
- e) Completes and reviews accounting and financial records for completeness and accuracy.
- f) Prepares clear and concise reports, correspondence procedures and other written materials.
- g) Plans, organizes, and directs a comprehensive public information and education program for the District.
- h) Writes clear and concise bulletins, press releases, feature stories, and materials for distribution to the news media and public.
- i) Operates office equipment including computers and supporting word-processing, desktop publishing, and graphics applications.
- j) Operates a motor vehicle safely.
- k) Follows written and oral directions.
- l) Establishes and maintains effective working relationships with those contacted in the course of work.
- m) Drafts accurate minutes of Board meetings.
- n) Prioritizes and handles multiple tasks and meeting critical time deadlines.
- o) Applies and explains policies and procedures.
- p) Works effectively and cooperatively with a wide variety of customers and other individuals in person and over the telephone.
- q) Exercises sound independent judgment within established policy and procedural guidelines.
- r) Maintains confidentiality of information where necessary.
- s) Ability to cope and maintain calm demeanor in a potentially stressful working environment.
- t) Establishes and maintains effective working relationships with those contacted in the course of the work, including Board members, management team, co-workers, and members of the public.

**JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT**

POSITION: Administrative Supervisor

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

5. PHYSICAL REQUIREMENTS

- a) Ability to read printed materials and a computer screen.
- b) Ability to type on a keyboard and use a mouse for extended periods of time.
- c) Ability to use computer software to access, record and convey information in required format.
- d) Ability to interact in person and on the telephone, relaying information verbally.
- e) Ability to communicate clearly, concisely and effectively, both orally and in writing.
- f) Ability to maintain, regular, predictable, punctual attendance.
- g) Mobility to work in a standard office environment and use standard office equipment.
- h) Ability to grasp, lift and move files, binders, boxes and other collections of documents (which can total up to 40 pounds).

6. EDUCATION AND EXPERIENCE

- a) Bachelor's degree in accounting, economics, business administration, or related field, from an accredited four-year college or university and 2 years' experience and/or training in public agency fund accounting, payroll management and bookkeeping;
- b) Experience in public agency setting is desirable.
- c) A Certified Public Accountant license is desirable

7. LICENSES

- a) Possession of a valid California class C driver's license and a satisfactory driving record.
- b) Notary Public required, to be obtained prior to the end of the Introductory Period.
- c) Must be bondable by the District's fidelity bond insurer.

=====

**JOB DESCRIPTION
NIPOMO COMMUNITY SERVICES DISTRICT**

POSITION: Administrative Supervisor

FLSA STATUS: Non-Exempt – Full Time (40 hour week)

REPORTS TO: Finance Director

ACKNOWLEDGEMENT:

By signing below, I acknowledge all of the following:

I have reviewed the above Job Description, and I understand it to be accurate and complete. I understand that management and/or the Board retains the right to assign me other tasks as necessary. I also understand that district management has the right to change this Job Description and my assigned job duties at any time.

If, at any time, I am unable to perform any of the assigned job duties or need any accommodation for medical reasons, I will alert the General Manager or his/her designee and will participate in an interactive process regarding possible workplace accommodations.

I understand that I am a non-exempt employee and that I can be required to work in excess of my normally assigned working hours, including being required to report to duty in cases of disaster response.

Employee's Name (print)

Employee's Name (signature)

Date

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: SEPTEMBER 6, 2019



REVIEW SAN LUIS OBISPO COUNTY ACCESSORY DWELLING UNIT ORDINANCE PHASE II - PUBLIC REVIEW DRAFT AND DIRECT STAFF

ITEM

Review the County of San Luis Obispo Accessory Dwelling Ordinance Phase II proposed amendments and revision as presented in the Public Review Draft. [RECOMMEND REVIEW AND DIRECT STAFF]

DISCUSSION

PURPOSE

Determine what impact, if any, San Luis Obispo County's ("County") proposed Accessory Dwelling Unit (ADU) Ordinance could have on the Nipomo Community Services District's ("District") Codes, Policies, and water supply if it were passed with the proposed Public Draft language. This staff report focuses on providing your Honorable Board with background information on the County's ADU Ordinance changes so your Board can formulate questions for staff to resolve. It is anticipated District staff will return to your Board with additional information in October to provide additional answers.

BACKGROUND

The San Luis Obispo County Board of Supervisors ("Board of Supervisors") is considering amendments and revisions to its Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance) ordinances related to accessory dwelling units. The current amendments and revisions are found in the January 9, 2019 County of San Luis Obispo Accessory Dwelling Ordinance Phase II – Public Review Draft [Attachment A]. The Board of Supervisors is looking to remove barriers to the creation of ADUs.

In order to determine if the proposed amendments and revisions of the County's Ordinances will have an impact on the District's ability to meet community service needs, staff reviewed the following:

- SLO County ADU Phase II – Public Review Draft
- Number of parcels within the District that are subject to the proposed amendments
- District Codes and Policies (i.e. Supplemental Water Accounting Policy)
- Current ADU water consumption

COUNTY ORDINANCE REVIEW

The introduction section of the County's Public Review Draft – Phase II, identifies a list of recommendations that constitutes the Ordinance framework developed by staff from its research and public input. The following items were pulled from this section to be highlighted for the purpose of District review as these particular items may be of consequence to the District.

- "Elimination of most ADU exclusion areas." County staff is suggesting that, by eliminating 34 exclusion areas, an additional 17,000 parcels would be freed up to build ADUs.
- "Elimination [reduction from 6,000 sqft to 1,750 sqft] of the minimum lot size for parcels on sewer and community water. Areas without community sewer (parcels on septic systems), the minimum size will be determined by the Local Agency Management Program (LAMP)."
- "Expansion of land use categories where ADUs are allowed to include Residential Multi-Family (RMF), Commercial Residential (CR), and Open Space Parks (O/P)."

The County is currently revising its LAMP. The LAMP develops minimum standards for the treatment and ultimate disposal of sewage through the use of Septic Treatment Systems in non-sewered unincorporated areas of San Luis Obispo County. It is unclear if current ADU lot size limitations – 1 acre minimum for sewer parcels – will be changed once the revisions in LAMP are approved. The County is holding LAMP outreach meetings in December 2019 to gain public input.

NUMBER OF PARCELS

The District provides water services to 4,438 water connections and 3,678 sewer connections (3,206 billed parcels, 472 CSA-1). District staff is reviewing the District's service area to define areas where sewer and community water are available and determining the parcels that could build ADUs based on the proposed changes. District staff has engaged MKN Engineers to provide maps that visually display the results of our findings. These maps and findings will be included in a subsequent ADU staff report to be presented to your Board in October.

DISTRICT CODES AND POLICIES

The District allocates .53 acre-feet per year (AFY) of water per 1-inch meter. The District Code below identifies how the .53 AFY was calculated.

NCSD District Code 3.48.010

- c. The policy is based on the use of equivalent meters and five-year average total production for assigning a volume of supplemental water to new water connections. Based on the data from FY 09-10 to FY 13-14, a one-inch equivalent meter will be assigned a volume of .53 AFY.

It is the average consumption of all parcels, including parcels with ADUs, that was used to conclude that .53 AFY was the appropriate allocation per 1-inch equivalent service (water meter). This amount is also incorporated in the District Supplemental Water Allocation Policy, adopted by District Resolution 2015-1372 [Attachment B].

District Legal Counsel is reviewing the County's Public Review Draft to provide your Board with insight into the origins of the County's Ordinance amendments and revisions and any legal implications to the District's Codes and Policies.

NUMBER OF ADUs IN DISTRICT

As of the end of calendar year 2018, there were 193 parcels registered in the District's customer database as having ADUs. A concerted effort to track the number of ADUs began in 2009. Prior to 2009, the District did not track ADUs, so it is unknown how many ADUs were added to parcels prior to 2009. District staff has requested from the County's Planning and Building Department, all South County parcels that have permitted ADUs. District staff will use this information to update and confirm the District's customer database is current and complete with regard to ADUs.

As stated, the District has kept records of accounts with ADUs in its customer database starting in 2009. Water consumption data of ADU accounts was pulled from these records for 2017 and 2018. District records show that in 2017 there were 191 accounts with ADUs. Two parcels with ADUs were added in 2018 bringing the total to 193 ADUs. Table 1 below shows how those accounts, 191 in 2017 and 193 in 2018, used water. The table also shows the number of accounts that used greater than the .53 AFY and the number of accounts that used less than .53 AFY.

Table 1. 2017 and 2018 Water Consumption Data for Parcels with ADUs

2017	Total	>.53	%	<.53	%
No. Accounts with an ADU	191	48	25	143	75
Usage (AFY)	76.3	41.2	54	35.2	46
Average Usage (AFY/Account)	.40	.86		.25	

2018	Total	>.53	%	<.53	%
No. Accounts with an ADU	193	52	27	141	73
Usage (AFY)	85.5	47.5	56	38.0	44
Average Usage (AFY/Account)	.44	.91		.27	

For each year, 2017 and 2018, a total of 101 AFY and 102 AFY respectively were allocated for these customers based on .53 AFY per the number of accounts (.53 AFY x 191 Accts. = 101.23 AFY). As demonstrated in Table 1 above, 76 AFY of the 101 AFY allocated for use in 2017 was used by accounts with ADUs and 85 AFY of the 102 AFY allocated in 2018 was used by accounts with ADUs.

Table 1 also demonstrates the average usage for accounts with ADUs in the District's records was .40 AFY in 2017 and .44 AFY in 2018. These calculations support the District's

conservative apportionment of .53 AFY as a defensible annual allocation of water per 1-inch equivalent service (water meter).

However, looking to fiscal year 2026 when the District must take or pay for its full allocation of supplemental water, 1,667 AFY, the District's apportionment of .53 may need to be adjusted to more closely track with actual consumption. With the past drought experience and reduction in water demand due to water conservation, the District may be overly conservative in its allocation of water.

Using the 2018 annual consumption of 1,850 AFY for existing users, the District's groundwater wells will be limited to 183 AFY [Attachment C]. This level of groundwater well pumping is half the recommended pumping needed to maintain the water quality and efficiency of the District's wells. Additional runtime for the groundwater wells would be beneficial.

The evidence from current ADU consumption, on average, is manageable through the current allocation levels of .53 AFY. Understanding the average water consumption on properties without ADUs and comparing their consumption with water consumption on properties with ADUs will be included in the upcoming October staff report.

NEXT STEPS

District staff seeks Board direction on:

1. Provide NCSD Board with an understanding of the County's ADU Policy to determine if a response to the County's Public Review Draft Accessory Dwelling Ordinance Phase II, is appropriate and/or necessary.
2. Affirmation that staff is developing the correct data to address the Board's information needs to understand the District's ability to meet potential increased water demands under the County's proposed amendments and revisions to its Ordinances as identified above.

FISCAL IMPACT

The financial impact on the District's water fund could be positive if additional demand caused by ADUs was realized. If parcels with ADUs continue to maintain an average consumption equal to or less than the .53 AFY as allocated, capital investment in upsizing infrastructure would not be necessary. If the average water use of ADUs were to start exceeding .53 AFY, then the District may need to evaluate, through system modeling, the sufficiency of the existing water distribution system.

STRATEGIC PLAN

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

RECOMMENDATION

It is recommended that your Board review and discuss the San Luis Obispo County Accessory Dwelling Ordinance Phase II Public Review Draft and direct staff.

ATTACHMENTS

- A. County of San Luis Obispo Accessory Dwelling Ordinance, Phase-II Public Review Draft
- B. NCSD Resolution 2015-1372, Supplemental Water Accounting Policy
- C. NCSD Supplemental Water Projection Delivery Schedule

SEPTEMBER 11, 2019

ITEM E-1

ATTACHMENT A

COUNTY OF SAN LUIS OBISPO
ACCESSORY DWELLING ORDINANCE
PHASE II -
PUBLIC REVIEW DRAFT



January 9, 2019

Introduction

On January 1, 2017, California Government Code section 65852.2 governing Accessory Dwelling Units, or ADUs (“Secondary Dwellings” per current County Ordinance), as amended, became effective. The County Board of Supervisors identified the Accessory Dwelling ordinance revisions as a top priority, and specifically, directed staff to explore the removal of barriers to their creation to provide for affordable housing.

The Board of Supervisors adopted two amendments (Phase I) to the existing ordinance in 2017, to remove road surfacing and owner occupancy requirements for ADUs. The current effort, Phase II, is intended to further remove regulatory barriers to the creation of ADUs.

Ordinance Framework and Public Outreach

The Board of Supervisors, on August 21, 2018, supported the ordinance framework for the amending ordinance. This framework was based on staff’s research, input from the ADU technical advisory committee (TAC), and a public workshop on October 24, 2018. The attached Administrative Draft Ordinance has been crafted to include these framework recommendations:

- Elimination of most ADU exclusion areas. One well known example is South Atascadero. Some exclusion areas reflect environmental or resource constraints and others are based on land use planning concerns. In some cases, exclusion areas may be redundant since other ordinances already address the underlying concern. Elimination of the 34 exclusion areas would free up about 17,000 parcels for ADUs. Staff recommends retaining the RWQCB exclusion for areas with known wastewater concerns.
- Removal of requirement excluding ADUs on parcels with non-conforming development. For instance, when the existing primary dwelling is non-conforming

to a setback but the proposed ADU would comply with setbacks and all other Title 22 requirements.

- Elimination of the minimum lot size for parcels on sewer and community water. Currently Title 22 requires a minimum lot size of 6,000 square feet for an ADU with water and sewer and 1-acre for sites served by a septic system. In areas without a community sewer, the minimum size will be determined by the Local Agency Management Plan (LAMP).
- Allowance of larger ADUs on parcels less than 2 acres. The proposed amendments tie the size of the ADU to a percentage of the size of the primary dwelling, similar to the current rules for a guesthouse (maximum of 60 percent of the size of the primary dwelling).
- Elimination of parking requirements for ADUs, but require replacement of required parking spaces that would be removed through conversion of an existing garage to an ADU.
- Elimination of maximum separation distance between the primary dwelling and the ADU. Currently Title 22 requires an ADU to be within 50 feet of the primary dwelling for 2-acre or smaller parcels and within 250 feet of the primary dwelling on larger parcels. Title 22 currently allows this requirement to be waived with Minor Use Permit approval.
- Prohibition of ADUs as short-term rentals to ensure they are used for the purpose of housing affordable to the county's workforce and aging family members.
- Expansion of land use categories where ADUs are allowed to include RMF, CR, and O/P. Currently ADUs are allowed on parcels in the RSF, RS, RR, or REC land use categories. They are currently only allowed in the RMF, CR, and O/P categories when included as part of a Workforce Housing Subdivision.

Please submit comments on the Public Review Draft to Brian Pedrotti, Senior Planner, by Friday, March 8, 2019. Comments may be submitted by e-mail (bpedrotti@co.slo.ca.us) or mail (County Planning and Building, Attn: Brian Pedrotti)

**Proposed Amendments to
Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance)**

Accessory Dwellings – Phase II
Administrative Draft (December 2018)

Item #1 – Proposed amendments to Article 8, Section 22.80.030 (Definitions Of Land Uses, And Specialized Terms And Phrases):

Remove existing definition for “Secondary Dwelling (land use)” and add new definition for “Accessory Dwelling (land use)”.

Note: Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

~~Secondary Dwelling (land use). A second permanent dwelling that is accessory to a primary dwelling on a site. (Amended 1995, Ord. 2740)~~

Accessory Dwelling (land use). An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the primary dwelling and shall be located on the same parcel as the primary dwelling.

Item #2 – Proposed amendments to Article 4, Section 22.30.470 (Residential - Secondary Dwellings):

Update land use regulations pertaining to accessory dwellings in accordance with Government Code Section 65852.2.

Note: Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

22.30.470 - Residential - ~~Secondary~~Accessory Dwellings

~~An second permanent~~accessory dwelling may be allowed, in compliance with this Section, in addition to ~~at the first~~primary dwelling on a site as allowed by Section 22.10.130 (Residential Density), provided the site and the existing primary dwelling comply with all other applicable provisions of this Title. ~~(A caretaker residence is subject to Section 22.30.430, farm support quarters are subject to Section 22.30.480.)~~

A. Authority. ~~Secondary~~Accessory dwellings are authorized in compliance with the authority established by Government Code Sections 65852.2 et seq. An accessory dwelling that complies with the standards and regulations contained in this section shall be subject to ministerial review, without discretionary review or public hearing.

B. Limitations on use.

1. **Accessory unit only.** An ~~secondary~~ accessory dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 22.30.410) or more than one dwelling unit, except where a guesthouse is proposed to be converted to an ~~secondary unit~~ accessory dwelling in compliance with this Section. A maximum of one accessory dwelling shall be allowed per lot.
- 1.2. **Density.** An accessory dwelling that conforms to this section shall be deemed to be a residential accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located.
2. ~~In Residential Multi-Family, Commercial Retail, and Office/Professional.~~ Secondary units are only allowed within Workforce Housing Subdivisions pursuant to Section 22.30.477.
3. **Nonconforming accessory dwellings.** Accessory dwellings and uses thereof, which have been permitted by the County prior to [EFFECTIVE DATE OF ADU PHASE II ORDINANCE], are deemed nonconforming, but shall be allowed to be used and operated as approved. Any expansion, discontinuance, or modification of a nonconforming accessory dwelling and uses thereof shall be subject to the regulations of Chapter 22.72 (Nonconforming Uses, Structures, Parcels, and Signs).
4. **Rental of accessory dwelling.**
 - a. 30 days or more. An accessory dwelling may be rented separate from the primary dwelling, but shall not be sold or otherwise conveyed separate from the primary dwelling.
 - b. Less than 30 days. Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days shall be prohibited.

C. Limitations on location.

1. ~~Excluded areas.~~ An ~~secondary~~ accessory dwelling shall not be allowed within the following areas, where ~~secondary units~~ are deemed incompatible with existing development, or where the density increase from ~~secondary units~~ would create adverse cumulative effects on essential community services and natural features. These services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal, or that are subject to erosion.
 - a. ~~Atascadero.~~ The areas south of the Atascadero urban reserve line within the Residential Suburban land use category, as defined by the Land Use

Element, Salinas River area plan, except for parcels with direct driveway access to El Camino Real.

b. — **Nacimiento area.** The areas identified by the Land Use Element, Nacimiento area plan as being within the South Shore Area or the villages of Heritage Ranch or Oak Shores.

c. — **Specific subdivisions.** Secondary dwellings are not allowed within Tracts 7, 17, 19, and 502.

d.C. **Regional Water Quality Control Board (RWQCB) exclusion.** ~~All~~ areas of the County where the Regional Water Quality Control Board RWQCB has issued a notice of resource constraints through moratoria or other means.

D. **Application content.** In addition to the information required by Section 22.62.030 (Zoning Clearance), 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 an secondaryaccessory dwelling. ~~This information will not be grounds for county denial of a permit.~~

E. **Minimum site area.** An secondaryaccessory dwelling ~~may~~shall be allowed only on sites that comply with the following minimum site areas specified in this Section, except that where other minimum site area requirements are established by Article 9 (Planning Area Standards) or Article 10 (Community Planning Standards), those requirements shall control.:

1. ~~6,000 square feet~~A minimum site area of 1,750 square feet is required for sites served by community water and sewer facilities.;
2. ~~Sites not served by community water and sewer facilities shall be subject to Local Agency Management Program (LAMP) requirements pertaining to parcel size. 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.~~
2. ~~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**Development standards.

1. The following apply to all land use categories where secondaryaccessory dwellings are allowed.

<u>SIZE OF LOTSITE AREA</u>	<u>MAXIMUM SIZE OF UNITACCESSORY DWELLING-(1)</u>	<u>MAXIMUM DISTANCE FROM PRIMARY UNITHEIGHT OF ACCESSORY DWELLING</u>
6,000 sq. ft. <u>– 1 acre or less</u>	800 square feet <u>Lesser of 40% of primary dwelling size or 1,200 square feet(2)</u>	50 feet <u>Lesser of 35 feet or height of primary dwelling(3)(4)</u>
>1 acre <u>to- 2 acres</u>	800 square feet <u>Lesser of 40% of primary dwelling size or 1,200 square feet(2)</u>	50 feet <u>35 feet(4)</u>
>2 acres	1,200 square feet <u>Lesser of 50% of primary dwelling size or 1,200 square feet(2)</u>	250 feet <u>35 feet(4)</u>

Notes:

- (1) Includes attics greater than six feet in height, unconditioned storage space and lofts.
- (2) If the specified percentage of the primary dwelling size is less than an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code, an efficiency unit may be allowed.
- (3) If the accessory dwelling is proposed above an existing garage, the maximum height shall be 35 feet.
- (4) If the accessory dwelling is located within a required side or rear yard of the primary dwelling, the maximum height shall be 17 feet.

- 2. Driveways.** The driveways serving the primary and secondaryaccessory dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 22.70.030 if combining driveways is prohibitedhindered by a physical site constraint, would result in grading on slopes over 15 percent, or would require the removal of oak trees or other native trees.

3. Site design.

- a. Detached accessory dwellings shall:

- i. be provided a minimum setback of at least 25 feet from the nearest point on the front lot line;
- ii. be provided a minimum setback of at least five feet from all side and rear lot lines; and
- iii. not be located closer than 10 feet from any building.

b. Attached accessory dwellings shall:

- i. be located behind or above the primary dwelling; and
- ii. comply with the setback requirements of the primary dwelling.

2. Exception: Setback standards shall not apply to an existing permitted structure or portion thereof that is converted to an accessory dwelling or to a portion of an accessory dwelling. New additions or construction shall comply with the site design requirements of this Section.

3. Entrance to accessory dwelling~~Within urban and village reserve lines.;~~

~~a.4. The secondary dwelling shall employ a design style compatible with the primary dwelling.~~

~~a. When an secondaryaccessory dwelling is attached to the primary dwelling, the entrances shall be designed;~~

- ~~i. to maintain the character of a single-family dwelling; and~~
- ~~ii. to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex.~~

~~b. An accessory dwelling shall have independent exterior access separate from the primary dwelling. The entrance to an attached secondaryaccessory 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.~~

~~b.~~

~~c. No more than 50 percent of the site shall be covered by structures.~~

5. Conversion of an existing permitted structure. An application to establish an accessory dwelling within an existing single-family dwelling or accessory structure shall be ministerially approved if the following criteria are satisfied:

a. The land use category of the lot allows single-family dwelling use.

- b. The accessory dwelling is located on a lot with a permitted single-family dwelling.
- c. The accessory dwelling is contained within the existing space of a single-family dwelling or accessory structure.
- d. The accessory dwelling has independent exterior access separate from the existing single-family dwelling.
- e. The side and rear setbacks are sufficient for fire safety.
- f. The conversion satisfies all applicable building standards of the San Luis Obispo County Code and all applicable sewage and water requirements.

4. — Exceptions to design standards. The Review Authority may approve alternatives to the design standards of Subsection F in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section. The maximum size of unit as set forth in Subsection F.1, and the maximum size of the garage workshop as set by Subsection F.6, cannot be modified except by a Variance (Section 22.62.070). The maximum distance from the primary unit may be adjusted in compliance with Section 22.70.030 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

a. — Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:

- i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
- ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.
- iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.
- iv. Archaeological resources.

5. — Parking. A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, 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, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.

~~6. **Garage/workshop.**—The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.~~

~~**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.~~

~~**1. Accessory dwelling.** No off-street parking spaces are required for an accessory dwelling.~~

~~**2. Primary dwelling.** No accessory dwelling shall be approved unless the required off-street parking spaces for the primary dwelling is provided in accordance with Chapter 22.18 (Parking and Loading Standards).~~

~~**G.3. Exception.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling or converted to an accessory dwelling, the replacement off-street parking spaces may be located in any configuration on the same lot as the accessory dwelling, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. For the purposes of this section, “tandem spaces” means that two or more automobiles are parked on an approved driveway or in any other approved location on a lot, lined up behind one another.~~

Item #3 – Proposed amendments to Article 2, Section 22.06.030 (Allowable Land Uses And Permit Requirements):

Replace “secondary dwellings” with “accessory dwellings”, and list accessory dwellings as a permitted use in all land use categories where single-family dwellings or multi-family dwellings are allowed, as required by Government Code Section 65852.2.

Note: Proposed amendments are summarized below.

Summary:

Table 2-2 (Allowable Land Uses and Permit Requirements) would be updated to remove “secondary dwellings” and allow accessory dwellings as a permitted use (P) in the following land use categories:

- Agricultural (AG)
- Rural Lands (RL)

- Residential, Rural (RR)
- Residential, Suburban (RS)
- Residential, Single Family (RSF)
- Residential, Multi Family (RMF)
- Office and Professional (OP)
- Commercial, Retail (CR)
- Recreation (REC)

Item #4 – Proposed amendments to various sections throughout Title 22 (Land Use Ordinance):

Update all sections of Title 22 referencing secondary dwellings to reflect the proposed amendments in Items #1-3 of this document.

Note: Proposed amendments are summarized below.

Summary:

The principal proposed amendments are detailed in Items #1-3 of this document. If adopted, such amendments would affect other sections of Title 22. These sections would be updated for consistency purposes.

Item #5 – Proposed amendments to various sections throughout Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance):

Update sections of Title 22 and 23 pertaining to secondary dwellings for consistency with the proposed amendments in Items #1-3, in accordance with Government Code Section 65852.2.

The sections of Titles 22 and 23 listed below would be updated in accordance with the proposed amendments in Items #1-3. Following each listed section is a brief description denoting how the section would be affected.

Title 22

- Title 22 Table of Contents – Update term
- Section 22.10.095(C)(7)(a) – Update term
- Section 22.10.130(A)(2)(d) – Update term
- Section 22.12.080(B)(2)(r) – Update term
- Section 22.12.080(H)(2)(d) – Update term
- Section 22.18.030(A) – Update to allow replacement off-street parking spaces in required front setback area when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling or converted to an accessory dwelling
- Section 22.22.145(B)(3) – Remove section

- Article 4 Table of Contents – Update term
- Section 22.30.410(D)(1)(c) – Update term
- Section 22.30.475(B) – Update term
- Section 22.30.477(E)(2)(b)(2) – Remove section
- Section 22.30.510(B)(6) – Update term and remove section reference
- Section 22.80.030 – Update “Residence, Primary and Secondary” definition
- Section 22.94.032(B)(6) – Update term
- Section 22.94.042(C)(7)(a) – Eliminate section
- Section 22.94.082(G)(5)(a) – Update term and remove section reference
- Section 22.96.050(E)(2)(a) – Update term
- Section 22.96.050(E)(4)(a) – Remove term
- Section 22.96.050(E)(5)(a) – Remove term
- Section 22.96.050(E)(8) – Eliminate restriction on secondary dwellings
- Section 22.96.050(E)(9)(a) – Eliminate restriction on secondary dwellings
- Section 22.96.050(E)(10)(b) – Eliminate restriction on secondary dwellings
- Section 22.96.060(F)(1)(b) – Eliminate restriction on secondary dwellings
- Section 22.96.060(F)(2)(b) – Eliminate restriction on secondary dwellings
- Section 22.98.052(B)(1)(b) – Eliminate restriction on secondary dwellings
- Section 22.98.070(I)(10) – Update term
- Section 22.98.072(H)(4)(c) – Update term
- Section 22.98.072(H)(9)(g) – Update term and ensure consistency with State Code
- Section 22.104.030(A)(2) – Update term and removal of language, “Secondary dwellings are not permitted”.
- Section 22.104.050(F)(7) – Update term and removal of sentence, “A secondary dwelling constructed concurrently with, or after, construction of the primary dwelling and meeting the standards set forth in Section 22.30.470 is not subject to the Minor Use Permit requirement”.
- Section 22.104.070(A)(2)(a) – Update term
- Section 22.104.080(A)(17)(b) – Update term
- Section 22.104.090(A)(2)(a) – Update term
- Section 22.106.010(F)(1)(b) – Update term
- Section 22.106.010(F)(1)(e) – Update term
- Section 22.108.040(H)(1)(f) – Elimination of this section
- Section 22.108.050(H)(1)(d) – Update term
- Section 22.113.043(B)(8) – Update term
- Section 22.113.050 – Update “Secondary Dwelling” definition

Title 23

- Title 23 Table of Contents – Update term
- Section 23.02.032(f) – Update term
- Section 23.04.082(b)(4) – Update terms
- Section 23.04.096((b)(1)(xv) – Update term
- Section 23.04.096(h)(2)(iv) – Update term

- Chapter 8 Special Uses – Update term
- Section 23.08.014 – Update term
- Section 23.08.032(e)(1)(ii) – Update term
- Section 23.08.160 – Update term
- Section 23.08.161(f) – Update term and remove section reference



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE September 12, 2019	CONTACT/PHONE Brian Pedrotti (805) 788-2788 bpedrotti@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2017-00001
SUBJECT Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2017-00001) to amend and replace the Secondary Dwelling Ordinance with a new ordinance on Accessory Dwelling Units. The requested amendments include: 1) amendments of Title 22 to Section 22.30.470, Residential – Secondary Dwelling, Section 22.06.030, Allowable Land Uses and Permit Requirements, and various sections throughout Title 22 to update Planning Area Standards, terms, and definitions; 2) amendments of Title 23 to Section 23.08.169 - Secondary Dwelling Units, and various sections throughout Title 23 to update terms and definitions; 3) amendments to Coastal Framework for Planning Table "O" to add Accessory Dwelling Units as an allowed use.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2017-00001 based on the findings listed in Attachment 1.			
ENVIRONMENTAL DETERMINATION This project is statutorily exempt from CEQA. [Reference: State CEQA Guidelines sec. 15282(h)]			
LAND USE CATEGORY All	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) All
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The proposed amendments were referred to: County Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Community Service Districts, Air Pollution Control District, California Coastal Commission, interested parties e-mail list.			
TOPOGRAPHY: Not Applicable		VEGETATION: Not Applicable	
PROPOSED SERVICES: Not Applicable		AUTHORIZED FOR PROCESSING DATE: Not Applicable	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

PROJECT SUMMARY

The proposed ordinance amendments would remove barriers to Accessory Dwelling Unit (ADU) development consistent with recent State legislation. An ADU, which is currently referred to as a “Secondary Dwelling” in the County’s ordinances, is generally defined as a second home on a property that contains a single-family residence. Current State law and County ordinances limit the maximum size of an ADU to 1,200 square feet.

On January 1, 2017, Government Code Section 65852.2 governing ADUs (“ADU Law”), as amended, became effective. According to the ADU Law, if a local agency allows ADUs, standards relating to unit size, parking, fees, and other requirements, cannot be so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create ADUs in land use categories in which they are authorized by the ordinance.

DISCUSSION

Background

In 2016 and 2017, the State of California (“State”) enacted a series of bills that significantly amended ADU Law to address and reduce barriers to the development of ADUs.

The following is a brief summary of the provisions imposed by the respective Assembly Bills (AB) and Senate Bills (SB).

AB 2299 and SB 1069 (effective as of January 1, 2017)

- Prohibits local governments from adopting ordinances that preclude ADUs
- Provides that any existing ADU ordinance is null and void if it is not compliant with the requirements of the bills
- Requires local governments to ministerially (without use permit) approve an ADU within a zone [or land use category] for single-family use if the ADU is:
 - contained within an existing residence or accessory structure
 - has independent exterior access from the existing residence
 - has side and rear setbacks that are sufficient for fire safety
- Prohibits local governments from requiring setbacks on the conversion of an existing garage to an ADU
- Reduces ADU parking requirement to one (1) parking space per bedroom or unit
- Allows off-street parking to be in a tandem configuration on a driveway or in setback areas, unless specific findings are made that parking in setback areas or tandem parking is not feasible based on specific site, regional topographical, or fire and life safety conditions
- Prohibits parking requirements if the ADU satisfies any of the following criteria:
 - is within a half mile from public transit
 - is within an architecturally and historically significant historic district
 - is part of an existing primary residence or an existing accessory structure

- is in an area where on-street parking permits are required, but not offered to the occupant of the ADU
- is located within one block of a car share area
- Provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connections fees or capacity charges, including water and sewer service
- Prohibits requiring fire sprinklers in an ADU if fire sprinklers are not required in the primary dwelling
- Provides an ADU maximum floor area of 1,200 square feet
- Prohibits local governments from requiring passageways

AB 494 and SB 229 (effective as of January 1, 2018)

- Authorizes the State of California Department of Housing and Community Development to review and comment on ADU ordinances
- Clarifies that ADUs can be created through the conversion of a garage, carport or covered parking structure
- Reduces ADU parking requirement to one (1) parking space
- Provides that replacement parking spaces for garage conversions to ADUs may be located in any configuration on the site
- Defines “tandem parking”
- Requires special districts and water corporations to charge a proportional fee scale based upon ADU size or number of plumbing fixtures

Summary on ADU Phase I

On July 18, 2017, the Board of Supervisors (“Board”) approved amendments to Titles 22 and 23 of the County Code to achieve consistency with the ADU Law. These amendments, collectively known as “ADU Phase I”, eliminated two provisions in Titles 22 and 23, including 1) a requirement that the property owner occupy one of the units, and 2) a requirement to pave or chip seal the access to the ADU. The amendments to the Coastal Land Use Ordinance (Title 23) sections relating to the secondary dwellings were then approved by the Coastal Commission on December 13, 2017. The current effort is known as “ADU Phase II”.

Proposed Ordinance Framework

The proposed ordinance amendments (“ADU Phase II”) were developed based on research, input from the ADU Technical Advisory Committee, and public comment. The purpose of the ordinance framework is to provide the Department of Planning and Building with direction and ensure that the proposed amendments would be aligned with the goals of the Board. On August 21, 2018, the Board supported the presented ordinance framework.

The following table summarizes the direction provided in the ordinance framework and the corresponding proposed ordinance amendment:

TABLE 1: SUMMARY OF ORDINANCE FRAMEWORK	
Direction	Proposed Ordinance Amendment
Explore elimination of ADU exclusion areas	<ul style="list-style-type: none"> Remove the following ADU exclusion areas: Atascadero, Nacimiento Area, and Specific Subdivisions Maintain Regional Water Quality Control Board exclusion Add subsection for tract conditions prohibiting accessory dwellings, in accordance with State ADU Law
Allow ADUs to be developed on sites with legal nonconforming primary dwellings	<ul style="list-style-type: none"> Add subsection to allow ADUs to be established on the same site as a lawfully established nonconforming primary dwelling provided that specific criteria are satisfied
Explore elimination of minimum site area for sites with community water and sewer	<ul style="list-style-type: none"> Reduce the minimum site area required to establish an accessory dwelling for sites served by community water and sewer facilities Existing required minimum site area: 6,000 square feet Proposed required minimum site area: 1,750 square feet The proposed required minimum site area reflects the minimum site area required for single-family dwellings (primary dwelling)
Allow larger ADUs to be developed on sites with less than two (2) acres of site area	<ul style="list-style-type: none"> Increase the maximum size for ADUs on sites with less than two (2) acres of site area Existing maximum size: 800 square feet Proposed maximum size: 1,000 square feet
Eliminate minimum parking requirements for ADUs	<ul style="list-style-type: none"> Remove minimum parking requirements for ADUs Existing minimum parking requirement: One (1) off-street parking space per bedroom, up to a maximum of two (2) off-street parking spaces Proposed minimum parking requirement: None
Eliminate standard for maximum distance between the primary dwelling and ADU	<ul style="list-style-type: none"> Remove the standard for maximum distance from primary unit to ADU Existing maximum distance: Two (2) acres or less site – 50 ft. Over two (2) acres site – 250 ft. Proposed maximum distance: None
Prohibit short-term rental of ADUs	<ul style="list-style-type: none"> Add subsection to prohibit rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days
Allow ADUs to be developed in more land use categories	<ul style="list-style-type: none"> Revise table for allowable land uses to allow ADUs in all land use categories that allow single- and multi- family dwellings, in accordance with State ADU law

Stakeholder and Community Outreach and Involvement

The ADU Phase II effort had a significant amount of community involvement and input throughout the process. The ordinance was identified by the Board as a top priority. The Board specifically directed staff to explore the removal of barriers to the development of ADUs, with the intent of encouraging more affordable housing units to be constructed. The County project management team formed and met with the ADU Technical Advisory Committee (TAC) consisting of industry groups, affordable housing organizations, and members of potentially affected communities. The TAC met in early- and mid-2018 and provided input on the ordinance framework (see above). The

team also met with other County departments and received preliminary comments. In addition to the TAC, staff has met with other community organizations to provide presentations, including the Community Services District Association, San Luis Obispo County Homebuilder’s Association, Pismo Coast Realtor’s Association, and San Luis Obispo Realtor’s Association.

Shortly after establishing the ordinance framework, staff conducted a public workshop on October 24, 2018 at the San Luis Obispo Library. The workshop included the participation of more than 40 people interested in various aspects of ADUs, and it included a breakout session for small group discussion of specific topics facilitated by staff.

Following the workshop, staff incorporated the participants’ input along with those from the TAC and County departments and released a Public Review Draft in January 2019. Staff has incorporated comments received on the Public Review Draft into the Public Hearing Draft (attached). Staff has also maintained an e-mail notification list throughout the process, whereby interested parties are notified of draft updates, notices, and hearings.

Current Ordinance, State ADU Law, Proposed Amendments

Based on staff’s research, input from stakeholder groups, and community outreach and involvement, Table 2 below summarizes the most substantive proposed amendments to Titles 22 and 23, and provides a comparison to the current ordinance and the language of the State legislation.

TABLE 2: COMPARISON OF THE CURRENT ORDINANCE, STATE ADU LAW, AND PROPOSED AMENDMENTS			
Note: The following is a brief summary of the proposed amendments and does not reflect the entirety of the Accessory Dwelling Unit Ordinance. For more information, please refer to the respective documents list below.			
	Current Ordinance	State ADU Law	Proposed Amendment
Maximum Number of ADUs	One (1) ADU per lot with an existing single-family dwelling (primary dwelling)		
Minimum Site Area required (see further discussion below regarding “LAMP”)	Sites served by community water and sewer facilities: 6,000 sq. ft. Sites served by onsite wastewater treatment system and well: One (1) acre, (provided that all applicable provisions of Title 19 of this Code for onsite wastewater treatment system design and performance are satisfied)	Discretion of local government	Sites served by community water and sewer facilities: 1,750 sq. ft. Sites served by onsite wastewater treatment system and well: No change

	Current Ordinance	State ADU Law	Proposed Amendment
Minimum ADU Size	Not specified	Efficiency unit, as defined in Health/Safety Code ¹ .	Efficiency unit, as defined in Health/Safety Code ¹ .
Maximum ADU Size	Two (2) acres or less site: 800 sq. ft. Over two (2) acres site: 1,200 sq. ft.	Discretion of local government, up to a maximum of 1,200 sq. ft.	Two (2) acres or less site: 1,000 sq. ft. Over two (2) acres site: No change
Minimum Off-Street Parking Required for ADU	One (1) off-street parking space per bedroom, up to a maximum of two (2) off-street parking spaces	None or one (1) off-street parking space	None
Setbacks	General setback standards apply	Discretion of local government, except conversion of existing structure to ADU may maintain existing setbacks if sufficient for fire safety	General setback standards apply, except conversion of existing structure to ADU may maintain existing setbacks if sufficient for fire safety
Maximum Distance from Primary Dwelling	Two (2) acres or less site: 50 ft. Over two (2) acres site: 250 ft.	Discretion of local government	None
Owner-Occupancy Requirement	None	Discretion of local government	None
Rental of ADU Less than 30 Days	Allowed	Discretion of local government	Not allowed
Construction of ADU on Site with Nonconforming Primary Dwelling	Minor Use Permit required	Discretion of local government	Allowed, subject to criteria
Review	Ministerial: Zoning Clearance and Building Permit *Applicant may request a Minor Use Permit (discretionary review) for an exception to the standard for maximum distance from primary dwelling	Ministerial	Ministerial: Zoning Clearance and Building Permit *Minor Use Permit for an exception to the standard for maximum distance from primary dwelling would no longer be necessary, as such standard is proposed to be removed

	Current Ordinance	State ADU Law	Proposed Amendment
Where Allowed	RSF, RS, RR, REC	All zones that allow single-family and multi-family residential	RSF, RMF, RS, RR, REC, CR, O/P

1. Currently, this size is estimated to be approximately 400-420 square feet.

Special Considerations with the Proposed Amendments

Definition of Accessory Dwelling

Prior to the recently enacted bills, State law referred to such dwelling units as second units. Accordingly, the County’s current ordinance refers to such dwelling units as secondary dwellings. To align the County’s ordinance with new State ADU Law, the proposed amendment would (a) replace the existing definition for “Secondary Dwelling (land use)” with a new definition for “Accessory Dwelling (land use)” and (b) replace all references to “secondary dwelling” to reflect “accessory dwelling”.

Existing definition to be removed:

~~“Secondary Dwelling (land use). A second permanent dwelling that is accessory to a primary dwelling on a site.”~~

Proposed definition to be added:

Accessory Dwelling (land use). An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the primary dwelling and shall be located on the same parcel as the primary dwelling.

The proposed definition is consistent with the accessory dwelling definition provided by State ADU Law.

Elimination of Existing Exclusion Areas

The existing County ADU ordinances (titled, “Secondary Dwellings”) for both the inland and coastal areas include specific exclusion areas in which ADUs are prohibited or restricted. These include the suburban area south of the City of Atascadero (South Atascadero), the Nacimiento Area including the villages of Heritage Ranch and Oak Shores, the Los Ranchos/Edna Valley Specific Plan area, and South Bay (Los Osos). Following the direction and intent of the ADU Law, the proposed amendments would eliminate most of these exclusion areas, which would allow ADUs to be built. One major exception is in the South Bay (Los Osos), where there is a prohibition on ADUs on parcels less than 12,000 square feet. Due to a current limitation on development of vacant lots, build-out projections in the proposed Los Osos Community Plan for the recently constructed sewer, and the recent formation of a Groundwater Basin Committee, staff has

determined that lifting this restriction is premature. The County may re-evaluate this limitation in the future following adoption of the Community Plan and ongoing efforts by the Los Osos Groundwater Basin Committee.

Local Agency Management Plan (LAMP) and RWQCB Exclusion Areas

In areas without a community sewer, the minimum parcel size to allow an ADU will be determined by the pending Local Agency Management Program (LAMP). The LAMP is a program directed by the State Water Resources Control Board (SWRCB) to develop standards for onsite wastewater treatment systems (OWTS) to be implemented by the County. The SWRCB adopted an Onsite Wastewater Treatment System Policy in 2012, which categorizes systems by Tiers, including the following:

- Tier 0:** Existing OWTS (i.e., septic system) that are properly functioning
- Tier 1:** New or replacement OWTS that meet the minimum standards for low-risk systems where there is not an approved LAMP
- Tier 2:** Permitted new or replacement OWTS through customized management programs (Local Agency Management Programs) that address conditions specific to the local jurisdiction and allow local permitting per an approved LAMP

The proposed amendments identify minimum parcel sizes for ADUs on properties with an OWTS that reflect the draft LAMP for San Luis Obispo County. For instance, the minimum site area for an ADU with an OWTS and individual well is 1 acre if the site meets favorable conditions for soil percolation, groundwater depth, and slope. A 2-acre minimum is required for sites without these favorable conditions.

The County's draft LAMP remains under review by the RWQCB, with an anticipated hearing date this late 2019 or early 2020. Upon adoption of the LAMP, the County may need to revise the ADU Ordinance as necessary to ensure compliance.

Off-Street Parking for Accessory Dwellings

Local governments have limited discretion to establish minimum off-street parking requirements for accessory dwellings, as State ADU Law requires adherence to the following parameters:

Parameter #1: Off-street parking requirements shall not exceed one (1) parking space per unit or bedroom, whichever is less.

Parameter #2: Off-street parking spaces shall be permitted in setback areas or may be provided as tandem parking on a driveway. State ADU Law defines tandem parking as *"two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another"*.

Parameter #3: Off-street parking requirements shall not be imposed for ADUs in any of the following instances:

- a) The ADU is located within one-half mile of public transit.
- b) The ADU is located within an architecturally and historically significant historic district.
- c) The ADU is part of the proposed or existing primary dwelling or an accessory structure.
- d) When on-street parking permits are required but not offered to the occupant of the ADU.
- e) When there is a car share vehicle located within one block of the ADU.

According to parameter #1, a maximum of one (1) parking space may be required for an ADU with bedroom(s), but no parking spaces may be required for an ADU proposed with a studio floorplan (no defined bedrooms).

TABLE 3: PARAMETER #1 SCENARIOS					
	Description	Number of units	Number of bedrooms	Lesser of units or bedrooms	Number of parking spaces that may be required
Example A	ADU with two (2) bedrooms	1	2	1	1
Example B	ADU with no bedrooms (studio)	1	0	0	0

According to parameter #2, if an off-street parking space is required, such space could be an uncovered space located within setback areas or driveways. This eliminates the County's option to require covered off-street parking, such as garages or carports. Applicants for ADUs could satisfy an off-street parking requirement by designating existing setback areas or driveways as parking spaces, and thus, may not create new parking spaces.

The lack of off-street parking typically impacts urban areas to a higher degree when compared to rural areas. Urban areas are more likely to have higher densities, smaller parcels, and higher use of on-street public parking.

Parameter #3 reduces the County's ability to require off-street parking spaces for ADUs in areas where off-street parking is typically desired to relieve on-street public parking, as the instances listed above are more likely to be found in urban areas. This is particularly true for instances "a" and "c", as, in urban areas, public transit services are more likely to be found and conversion of existing structures to ADUs are more likely to occur due to the relatively smaller parcel sizes. For

the purposes of ADUs, the State of California Department of Housing and Community Development has interpreted “public transit” to include bus stops, train stations, and paratransit.

Since State ADU Law substantially limits the ability of local governments to require off-street parking for ADUs and allows developers to meet parking requirements within setbacks, the proposal to eliminate parking requirements for ADUs is not anticipated to substantially impact the availability of street parking in neighborhoods.

In addition, eliminating the off-street parking requirement for ADUs would remove a barrier to the development of ADUs.

Off-Street Parking for Primary Dwellings

Currently, existing off-street parking spaces for primary dwellings are required to be maintained or replaced, if demolished or converted.

State ADU Law requires local governments to provide an exception when a required garage, carport, or covered parking structure is (a) demolished in conjunction with the construction of an ADU or (b) converted to an ADU. The exception would allow replacement off-street parking spaces for primary dwellings to be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or spaces by the use of mechanical automobile parking lifts. For the purposes of the ADU Ordinance, “tandem spaces” means that two or more automobiles are parked on an approved driveway or in any other approved location on a lot, lined up behind one another.

The proposed amendment includes such exception for primary dwellings.

Common Questions Pertaining to the Proposed Ordinance

- How many ADUs can be built?

Each legal parcel that meets the criteria in the ordinance is allowed a maximum of one ADU.

- Can I have a guesthouse and ADU?

No. Each legal parcel may have either an ADU or a guest house, but not both.

- I have two units on my property. Can I have an ADU?

An ADU is an accessory use to an existing single-family residence, and is not allowed on a property with two units. An ADU is allowed in a multi-family land use category (RMF) only if the parcel is developed with one single-family residence.

- Are ADUs allowed on property in the Agriculture or Rural Lands land use category?

Property in the Agriculture or Rural Lands already are allowed two primary residences with no size limit if 20 acres or more. If the property is under 20 acres, two primary residences are allowed but one must be no more than 1,200 square feet in size. No additional ADUs are allowed.

- Can my existing house be an ADU?

Yes. An existing house may be converted to an ADU if it meets the required ADU criteria, including the maximum size, and a primary residence is constructed on the parcel in conjunction with the ADU. An ADU may not exist on a vacant parcel as it must be accessory to a primary residence.

- Can I convert my garage, other accessory structure, or portions of my house into an ADU?

Yes. Portions of an existing primary residence, including the garage, may be converted to an ADU.

- What is the minimum size for an ADU?

The minimum size of an ADU is an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code. Currently, this size is estimated to be approximately 400-420 square feet.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed amendment was reviewed for consistency with the General Plan and found to be consistent because they include revisions to reflect and be in compliance with State ADU Law, and they are consistent with the Land Use Ordinance Amendment guidelines in the General Plan.

Framework for Planning – Inland and Coastal Zone

The purpose of the following principles and goals in the County's Framework for Planning are to better define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns.

Inland

- Principle 6: Create a range of housing opportunities and choices
- Principle 8: Take advantage of compact building design
- Principle 10: Encourage community and stakeholder collaboration

Coastal Zone

- Goal 6: Create a range of housing opportunities and choices
- Goal 8: Take advantage of compact building design
- Goal 10: Encourage community and stakeholder collaboration

The proposed amendment would support and be consistent with the principles and goals. ADUs are currently allowed as secondary dwellings, which provides an additional compact housing opportunity and choice. The proposed amendment would reduce barriers for ADU development. In addition, the County has held a public workshop, formed and consulted with a technical advisory committee, and considered public comments.

Housing Element

An objective of the Housing Element is to facilitate development of new housing units and implement the principles and policies of the Land Use Element (Framework for Planning) when planning and reviewing new development proposals to the maximum extent practicable.

- HE 1.5: Identify and eliminate or reduce regulatory barriers to development of housing affordable to households of all income levels.
- HE 1.9: Encourage the use of Strategic Growth principles in development that create a range of housing choices, mix land uses, preserve open space, and focus development in urban areas.
- HE 1.11: Encourage alternative housing types such as co-housing, shared homes, rooming houses, residential hotels, mixed use, and other similar collaborative housing. Providing a wide variety of alternative housing types improves the ability of residents to find the housing that best fits their needs.

The proposed ADU ordinance satisfies these goals of the Housing Element. In developing the draft ordinance, regulatory barriers to the development of ADUs have been identified and are proposed to be reduced or eliminated. This encourages the development of ADUs, which adds to the range of housing choices. In addition, this provides property owners with an alternative housing type to conventional single-family dwellings, which may be larger in size. ADUs are compact in nature, which may be more affordable than larger single-family dwellings.

The proposed ordinance will also help the County achieve its affordable housing production targets in the Regional Housing Needs Allocation, since ADUs may be counted as units affordable to Moderate income households. As part of the 2020-2028 Housing Element Update, the Department is also conducting a market study to determine whether ADUs could count towards the County's Low- or Very Low-income housing production targets.

CEQA REVIEW

This project is statutorily exempt from CEQA. Under Public Resources Section Code 21080.17, CEQA does not apply to the adoption of an ordinance to implement the provisions of section 65852.2 of the Government Code (i.e. the State Accessory Dwelling Unit law). Section 65852.2(a)(1) authorizes the County to adopt an ordinance providing for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan implement the provisions of section 65852.2 by removing barriers to the creation of accessory dwelling units in areas zoned to allow single family and multi-family uses. The proposed amendments also satisfy the intent of the Legislature by establishing provisions governing accessory dwelling units that are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones authorized by local ordinance.

REFERRALS

The proposed amendments were referred to County Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Community Service Districts, Air Pollution Control District, California Coastal Commission, and a substantial interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the attached Response to Comments. Staff also met with several community groups who provided additional comments as described in the section above titled, “Stakeholder and Community Outreach and Involvement”.

SB18

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in May 2019. No requests for consultation were received.

ATTACHMENTS

Attachment 2 shows the proposed changes using underlines for added text and strikethroughs for deleted text.

1. Findings
2. Amendments to Section 22.30.470 – Residential - Secondary Dwellings: Title 22 (Land Use Ordinance); and Amendments to Section 23.08.169 – Secondary Dwellings: Title 23 (Coastal Zone Land Use Ordinance)
3. Amendments to Coastal Framework for Planning Table “O”
4. Proposed Ordinances (Clean Version)
5. Full Text of California Government Code Section 65852.2 (ADU Law)
6. Public Comment
7. Response to Comments

Planning Commission

LUO, CZLUO, and Coastal Framework Amendment LRP2017-00001 County of SLO – Residential -
Secondary Dwellings (Accessory Dwelling Units) Amendments

Page 14

Staff Report prepared by Brian Pedrotti and reviewed by Airlin Singewald.

SEPTEMBER 11, 2019

ITEM E-1

ATTACHMENT B

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1372
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A SUPPLEMENTAL WATER ACCOUNTING POLICY**

WHEREAS, the Nipomo Community Services District ("District") is a party to a groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 ("Groundwater Litigation"); and

WHEREAS, the District's current water supply is groundwater extracted from the Nipomo Mesa Management Area (NMMA) as established by the court in the Santa Maria Groundwater Litigation (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo, pursuant to County Ordinance 3090), of the Santa Maria Groundwater Basin; and

WHEREAS, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008, Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group has declared that a "Potentially Severe Water Shortage Condition" exists within the Nipomo Mesa Management Area; and

WHEREAS, the San Luis Obispo County Department of Planning and Building's 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Area and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

WHEREAS, the San Luis Obispo County Board of Supervisors ("County") in June 2007, certified the Nipomo Mesa Water Conservation Area as a Severity Level III, meaning that existing water demand equals or exceeds the dependable supply; and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan includes the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, the District is constructing a supplemental water project to increase its available water supply and meet the District's share of the court ordered commitment to bring a minimum of 2,500 AFY of supplemental water to the Nipomo Mesa Management Area (NMMA); and

WHEREAS, the District's supplemental water project includes a 500 AFY capacity reservation for new development within the District's existing boundaries consistent with the court order requirements that all new urban water demand within the NMMA be met with new developed water; and

WHEREAS, the purpose of the Supplemental Water Accounting Policy is to account for water reserved for all new development within the District against the 500 AFY supplemental water project capacity to ensure that the District does not over reserve or under reserve water for future development; and

WHEREAS, the Supplemental Water Accounting Policy will allow the District to track when it is getting close to fully accounting for and reserving the 500 AFY of supplemental water so that the District can plan for acquiring additional supplies; and

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1372
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A SUPPLEMENTAL WATER ACCOUNTING POLICY**

WHEREAS, the policy shall apply to all new development applications initiated or renewed after January 25, 2008; and

WHEREAS, based on the Staff Report, Staff presentation, and public comment, the District Board of Directors finds:

- A. That the purpose and intent of this Resolution is consistent with the purposes found in the Judgment and Stipulation in the Ground Water Litigation imposing a physical solution to assure long term sustainability of the groundwater basin and the San Luis Obispo County's certification of a Severity Level III for the waters underlying the NMWCA and;
- B. That adopting this Resolution will ensure the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection by ensuring that all new urban demand within the District is satisfied with new developed water and;

WHEREAS, based on the Staff Report, Staff presentation, and public comment, the District Board of Directors further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying ground water basin as their source of water supply.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT THAT:

- 1. Exhibit "A", attached hereto, is hereby incorporated by this reference as the District's Supplemental Water Accounting Policy
- 2. The above Recitals are true and correct and incorporated herein by reference.

Upon the motion of Director Armstrong, seconded by Director Gaddis, and on the following roll call vote, to wit:

AYES: Directors Armstrong, Gaddis, Eby, Woodson and Blair
NOES: None
ABSENT: None
CONFLICTS: None

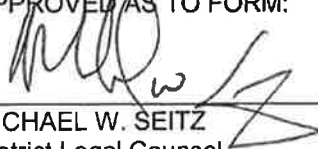
the foregoing resolution is hereby adopted this 8th day of April 2015.


CRAIG ARMSTRONG
President of the Board

ATTEST:


MICHAEL S. LEBRUN
General Manager and Secretary to the Board

APPROVED AS TO FORM:


MICHAEL W. SEITZ
District Legal Counsel

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1372
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A SUPPLEMENTAL WATER ACCOUNTING POLICY**

EXHIBIT A

**NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER ACCOUNTING POLICY**

Background

The District is constructing a supplemental water project to increase its available water supply and meet the District's share of the court ordered commitment to bring a minimum of 2,500 AFY of supplemental water to the Nipomo Mesa Management Area (NMMA). In addition, the District's supplemental water project includes a 500 AFY capacity reservation for new development within the District's existing boundaries consistent with the court order requirements that all new urban water demand within the NMMA be met with new developed water.

Purpose

The purpose of the Supplemental Water Accounting Policy is to account for water reserved for all new development within the District against the 500 AFY supplemental water project capacity to ensure that the District does not over reserve or under reserve water for future development. In addition, the District needs to track when it is getting close to fully accounting for and reserving the 500 AFY of supplemental water so that the District can plan for acquiring additional supplies. The policy shall apply to all new development applications initiated or renewed after January 25, 2008.

Supplemental Water Accounting

The policy is based on the use of equivalent meters and five-year average total production for assigning a volume of supplemental water to new water connections. Based on the data from FY 09-10 to FY 13-14, a 1-inch equivalent meter will be assigned a volume of .53 AFY.

Supplemental water for all new water connections, residential and commercial, will be accounted for based on meter size. Meter capacity ratios, which are based on physical meter capacity, will be used to account for and reserve water for other size meters as follows:

METER SIZE	CAPACITY RATIO	ASSIGNED VOLUME
1 inch and Less	1.0	0.53 acre feet
1 and ½ inch	3.0	1.59 acre feet
2 inch	4.8	2.54 acre feet
3 inch	9.0	4.77 acre feet
4 inch	15.0	7.95 acre feet

Connections larger than 4-inch will be calculated as needed on a case by case basis.

Water will be assigned to new development when Intent-to-Serve letters, that are subject to expiration, are issued and reserved for new development when Will-Serve letters are issued.

Supplemental water accounting totals shall be reported to the Board monthly in the General Manager's report.

The Supplemental Water Accounting Policy shall be reviewed annually in January.

SEPTEMBER 11, 2019

ITEM E-1

ATTACHMENT C

NCSD SUPPLEMENTAL WATER PROJECT DELIVERY SCHEDULE

	A	B	C	D	E	F	G	H	I	J	K	L
1	PROJECTED FY 25-26											
2												
3												
4			Potential Delivery From SWP ¹ (AF/day)	Potential Delivery From SWP ¹ (AF/mo)	Projected NCS Demand (AF/mo)	Projected NCS Delivery From SWP ² (AF/mo)	Projected NCS Well Pumping ² (AF/mo)	Projected NCS Delivery to GSWC (AF/mo)	Projected NCS Delivery to WMWC (AF/mo)	Projected NCS Delivery GSWCR (AF/mo)	Projected Total SWP Delivery Required (AF/MO)	Required Delivery (GPM)
5												
6												
7	Month	# Days										
8												
9	July 2018	31	6.85	212	213	198	15.3	18	35	18	268	1960
10	August	31	6.85	212	208	193	15.3	18	35	18	263	1923
11	September	30	6.85	206	191	176	15.3	17	34	17	244	1842
12	October	31	6.85	212	180	165	15.3	18	35	18	235	1719
13	November	30	6.85	206	154	139	15.2	17	34	17	207	1563
14	December	31	6.85	212	111	96	15.2	18	35	18	167	1216
15	January 2019	31	6.85	212	105	90	15.2	18	35	18	161	1172
16	February	28	6.85	192	87	72	15.2	16	32	16	136	1097
17	March	31	6.85	212	102	87	15.2	18	35	18	158	1150
18	April	30	6.85	206	162	147	15.2	17	34	17	215	1624
19	May	31	6.85	212	157	142	15.3	18	35	18	212	1551
20	June	30	6.85	206	180	165	15.3	17	34	17	233	1759
21	Annual (AFY)	365		2500	1850	1667.0	183.0	208.3	416.5	208.3	2500	1548
22												
23	Percentage			100.00%		66.68%		8.33%	16.66%	8.33%	100.00%	
24												
25												
26												
27	Flow Rates											
28												
29	GPM	MGD	AF/day	AF/Month	AF/year	Year						
30	1550	2.23	6.85	208	2500	11+						
31	1860	2.68	8.22	250	3000							
32	2046	2.95	9.04	275	Maximum Allowable per CSM Contract							
33												
34	Notes											
35												
36												
37												