Chapter 4.20 - WATER CONSERVATION AND RETROFIT PROGRAM

4.20.010 - Application of retrofit requirements.
All commercial and residential property owners upon issuance of an intent to serve letter, all grandfathered services where no previous structure has been connected, and all applicants for remodel or reconstruction of an existing service whereby any water fixtures will be added shall be required to participate in this program prior to issuance of a connection permit or remodel approval, pursuant to Title 8 [Utility Service Systems Administration] of this code. It is also the purpose and intent of this chapter, in conjunction with the provisions of Chapter 4.16 of this code, to facilitate the policies of the board of directors to issue intent to serve letters on an interim basis while the district continues to pursue a long-term supplemental water supply project, based upon implementation of the district’s approved water use efficiency plan through water demand offsets. (Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.020 - Retrofit recipients.
All commercial and residential improved-property owners and public agencies within the Cambria Community Services District service area are eligible, on a volunteer basis, to have their structures retrofitted, or otherwise participate in the programs offered by the district with the following exceptions:
Not eligible:
1. Structures already required to retrofit under Chapter 4.16 (resales and remodels);
2. Existing fixtures in structures that provide no additional water savings based upon their being in compliance with the standards and requirements contained in Chapter 4.16 and the most current adopted Acceptable Water Savings Plumbing and Fixtures List;
3. Replacement structures (tear down/rebuild, whether on same site or transferred).
In addition, riparian water users and/or property owners in the Santa Rosa Creek and San Simeon Creek watersheds, upon approval of the general manager, are eligible for participation in district sponsored programs under this chapter. (Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.030 - Program implementation.
No new residential or commercial water and sewer connections or remodel approvals will be allowed except under this water conservation and retrofit program. The water conservation and retrofit program, hereinafter referred to as "program" shall be initiated as follows:
A. New Construction From Waiting Lists.
1. As provided in Section 8.04.080(C) and as further provided in the administrative policy adopted in accordance with that section, the board of directors of the Cambria Community Services District may authorize issuance of intent to serve letters;
2. Points and Points Bank.
a. The number of points required to offset water use for the project shall be calculated based upon administrative procedures approved by the board and a retrofit points equivalency table, which shall be
adopted by the board by resolution. Points for commercial projects shall be determined based upon either values contained in the retrofit points equivalency table or based upon factors deemed appropriate by CCSD staff for the particular type of commercial use, including but not limited to the number of employees and whether facilities such as restrooms are to be made available for use by the public. Points shall represent water units (i.e. 1 point shall equal .72 annual water unit or 1.47 gallons per day). The retrofit points equivalency table shall include point values for fixtures, and the methodology for calculating the number of points required for a project in order to offset water use. Applicants shall be notified of the number of points required for his or her project.

b. A points bank shall be maintained by the district which shall represent retrofit points that accrue from the installation of high-efficiency water use fixtures that result from retrofits when there is a change of ownership or use (Section 4.16.050), expansion of use (Section 4.16.060, resale (4.16.070), district rebate programs, and other district programs used to achieve verifiable reductions in existing water use in the district's service area.

c. Applicants shall have the obligation to provide retrofits in the district's service area that offset the water demand of the project, as represented by the required number of points as determined by district staff. The district may permit all or a portion of the required points to be satisfied by payment of in-lieu fees for points from the points bank. In-lieu fees shall be established by the board by resolution, and shall be based upon a determination of the cost to implement programs and projects that will reduce existing water use within the district's service area in an amount equal to or greater than the anticipated water use of projects being issued intent to serve letters.

3. The district will issue a notification to eligible waiting list position holders along with an invoice for administrative fees, as required by the district's adopted fee schedule. Within thirty (30) days of issuance of notification or such other time established by the general manager, the applicant must make full payment of administrative fees and, if permitted by the district to pay an in-lieu fee, tender to the district the amount of in-lieu fees that are required. On receipt of the administrative fee and in-lieu fees, if applicable, and when in compliance with all other applicable laws and regulations, the district shall issue an intent to serve letter.

4. In the event in-lieu fees are not requested by the applicant, or are not permitted or only satisfy a portion of the points required for the project, within sixty (60) days of the issuance of the intent to serve letter, applicant must submit properties proposed for retrofit. All retrofit work then must be completed within ninety (90) days of the issuance date of the intent to serve letter. Also within that same ninety (90) days (or no later than the last business day of the calendar year, whichever comes first), all residential applicants must show proof to the district, that they have applied for a building permit allocation under the San Luis Obispo County growth management ordinance. The allocation requires that a complete application be submitted to the county building and planning department for a building permit (and a minor use permit, where required) within the deadline set by the allocation.

5. Failure to complete items in subsections (A)(3) and (A)(4) within the prescribed time periods will result in the general manager revoking the intent to serve letter and notify the county that the applicant is not eligible for water and sewer service. All persons returned to the water and sewer waiting list shall be notified in writing. Such persons returned to the water and sewer waiting list shall be placed back on the list in the same relative order that their original position bears to all others on to the list. Any administrative fee paid shall be forfeited. Any retrofit in-lieu fees paid by the applicant shall be refunded and related retrofit points shall be returned to the points bank.
B. Grandfathered Services.

Grandfathered services are subject to retrofit requirements as per the adopted retrofit points equivalency table. If the grandfather status was the result of a previously existent residence, the retrofit requirement shall be as for a "remodel." If there was no previous existent residence, the retrofit requirement shall be due and payable upon issuance of a county-approved building permit.

C. Remodels and Active Service Transfers.

1. Remodel or reconstruction of any existing service is subject to review by district staff when the project either adds: twenty (20) percent or more to existing habitable floor space, or adds any water-using fixtures.

2. Application for approval of a remodel or reconstruction shall be made on a form provided by the district and include floor plans for the complete existing structure as well as the proposed remodel. Detailed information shall be provided on the existing fixtures and the fixtures proposed for installation, including existing fixture flow rates and toilet gallons per flush volume. Timed discharge into a known volume container (i.e. bucket tests) may be used in cases where faucet manufacturer's information is not readily shown. Test shall be witnessed by a district representative or otherwise performed by a licensed plumber. The remodel plans must be the same ones that will be submitted to San Luis Obispo County for construction permit. Hard copy plans shall include an eleven-inch by seventeen-inch drawing set, as well as associated electronic images provided on a compact disc in Adobe Acrobat file format (i.e. "pdf" files). Applications submitted on behalf of a property owner shall be accompanied by an agent authorization form provided by the district. An application fee shall be charged for plan review, except that in the event fixtures are being added, the plan review fee shall be included within the remodel impact fee.

3. Impact fees for added water fixtures shall conform to Exhibit 2 of the ordinance codified in this chapter, and/or current district fee schedule, as may be amended.

4. Upon receipt of complete application and fees, district shall provide a clearance letter stating project description, approval conditions, and fees paid. The clearance letter shall be provided by applicant to San Luis Obispo County for processing of construction permit.

D. The general manager is authorized to establish a separate account for remodel impact and retrofit in-lieu fees collected in accordance with the provisions of this program. The general manager may authorize the expenditure of funds from this account to provide for retrofits and programs that will add points to the points bank, and for such other purposes authorized by the board of directors.

(Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.040 - Equivalency table.

A. The retrofit points equivalency table approved by the board shall indicate the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled residential or commercial structure. Points for commercial projects shall be determined based upon either values contained in the retrofit points equivalency table or based upon factors deemed appropriate by CCSD staff for the particular type of commercial use, including but not limited to the number of employees and whether facilities such as restrooms are to be made available for use by
the public. A package of proposed retrofits must add up to no less than the minimum requirements established in the retrofit points equivalency table.

B. Owners of building parcels of eight thousand (8,000) square feet or more are required to install, on their own parcel, non-potable irrigation water cisterns with a minimum capacity of three thousand (3,000) gallons with collection-distributions systems, prior to receiving final occupancy approval. Properties with non-potable piping shall install and maintain a reduced pressure backflow device on the potable water service. For non-residential properties with more than one thousand (1,000) square feet of irrigated land area, a separate water meter service shall be installed to measure irrigation water. Re-inspection will be required at time of resale and remodeling to encourage continued use and maintenance. This requirement shall also apply to transfer of any service (active or otherwise) from a smaller parcel to one that is eight thousand (8,000) square feet or larger.

C. The general manager is authorized to make determinations for fixtures or projects not specifically designated in the equivalency table, including but not limited to irrigation water conservation projects, water-line leak detection and correction projects, and water marketing program projects. Such determinations shall be based on the estimated amount of water to be saved or created, the cost of project implementation, the type, size, and estimated water use of the structure to be built and attainment of the savings goal established under this chapter.

D. The retrofit points equivalency table may be periodically adjusted to reflect changes in water use and/or water savings or for other reasons determined by resolution of the board of directors.

(Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.050 - Program standards.
A. The following procedures, standards and/or warranties will be utilized in processing plumbing retrofit installation projects:
1. Fixtures shall comply with the performance standards contained in approved list of Acceptable Water Savings Plumbing and Fixtures, as provided for in Chapter 4.16.
2. The district shall maintain a list of approved replacement fixtures that meet the standards required under this subsection. The district reserves the right to only approve specified fixtures for installation. Other brands may be approved by the general manager provided that they meet applicable performance standards equivalent to the brand specified.
3. At the time of retrofit, the plumbing system will be checked for leaks and if any leaks are found they shall be repaired at the homeowner’s expense. In addition, a water pressure test shall be conducted. Water pressure regulators shall be adjusted or installed in order that the water pressure does not exceed fifty (50) psig. The regulator shall be installed as close to the water meter as practical.
4. Plumbing retrofits shall be conducted so that the entire residential or commercial structure shall be brought up to the standards required under this chapter, wherever practical; however, partial retrofits shall be allowed for reduced point values. All work shall conform to applicable law and shall be warranted for a period of one year.
5.
The contractor shall be responsible for disposal of the old toilet and replacement of the toilet seat if requested by the homeowner. All additional repairs to make the toilet fit in the bathroom, as well as repairs for damage, shall be at the plumber's expense. All refuse and discarded materials created by the retrofit shall be removed from the project volunteer's premises on the same day the work is performed. Failure to remove materials as required will result in the assessment of a mandatory re-inspection fee.

B.

The following general provisions shall be applicable to the provisions of this section:

1. This program shall be conducted by licensed, bonded, and insured contractors. The general manager may require that the contractor put a bond or cash deposit on file with the district and/or attend a district sponsored orientation program as a condition of providing services under this program. On request, the contractor shall provide the district with detailed costs and invoices associated with any installation under this program.

2. The general manager may approve waivers and/or extensions where the conservation fixture(s) is not sufficient for the intended use, where there are significant problems associated with the installation, where the special demands of the household or business require modification, where additional time is needed to complete a project and/or where appropriate conservation fixtures are not readily available for the particular installation. Such waivers or extensions shall be in writing and may require additional water reduction methods to be installed to offset the nonconforming fixtures.

3. The general manager may approve the use of in-lieu fees not to exceed an amount established by the board by resolution, for any one retrofit project for the installation of unique or special fixtures and/or equipment associated with plumbing or agricultural retrofitting. The use of such funds shall include, but not be limited to: wall hung, one piece or specialty toilets; extensive replacement materials required of an installation; unique equipment needed for agricultural retrofits or for other types of related installation issues.

(Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.060 - Program administration.

A.
The general manager is authorized to establish such procedures and such forms as are necessary to implement this program.

B.
The general manager shall monitor and periodically report to the board of directors the status of the program, and its ability to meet the intended purposes.

C.
The general manager shall designate appropriate staff to conduct pre-inspection and final inspections for verification of compliance with this chapter and otherwise delegate responsibility for program administration.

D.
The general manager shall implement retrofit project priorities, taking into account the amount of funds available, and the board’s priorities for use of funds.

(Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

4.20.070 - Administrative fees.

A.
A nonrefundable administrative fee shall be payable to the district by applicants eligible for intent to serve letters. The fee shall cover the cost of administering this program as well as the necessary pre- and final inspections.

B.
In the event that an applicant withdraws prior to completing this program, or fails to meet appropriate deadlines, the administrative fee shall be forfeited.

C.
The minimum fees established under this section shall be for normal processing of applications under this program. In the event that inspections on any individual project are required beyond the pre- and final inspection, additional inspection charges may be charged. The district reserves the right to charge for time and materials on any project that exceeds the costs identified in this section.

(Ord. No. 03-2013, § 6(Exh. B), 8-22-2013)

Backdrop: (deference of the county in issuing construction permit allocations to the provisions of local waiting lists, which in the case of the CCSD, is this retrofit program)

Chapter 26.01 - GENERAL PROVISIONS
26.01.010 - Title and purpose.
The ordinance codified in this title is known as the growth management ordinance of the county of San Luis Obispo, Title 26 of the San Luis Obispo County Code. These regulations are established and adopted to protect and promote the public health, safety and welfare; and
(a) To implement the county general plan by establishing an annual rate of growth that will give further guidance to the future growth of the county in accordance with that plan;
(b) To establish an annual rate of growth that is consistent with the ability of community resources to support the growth, as established by the Resource Management System (RMS) of the county general plan;
(c) To establish a system for allocating the number of residential construction permits to be allowed each year by the annual growth rate set by the county board of supervisors;
(d) To minimize adverse effects resulting from a rate of growth which will affect the resources necessary to support existing and proposed new development as envisioned by the county general plan; and
(e) To assist the public in understanding the growth management system affecting the development and use of land in San Luis Obispo County.

26.01.070 - General procedures.
This section describes general procedures for determining the number of dwelling unit construction permit applications processed by the department of planning and building, how the annual allotment is to be conducted, what information must be included with an application submitted for processing under the provisions of this title, and the time limits for processing applications for new dwelling units to be permitted under this title.

...(j) Communities with Existing Waiting Lists. The following communities have waiting lists for development. Those waiting lists are administered by the specified community service provider(s) and the issuance of allocations by the county shall be in accordance with the provisions of the local waiting lists, as specified below.

(1) Cambria. The Cambria Community Services District (CCSD) has an existing waiting list for water service permits. The CCSD is allocating resources in compliance with its own resource management
policies and ordinances, so as to be compatible with the resource management system of the county general plan and to carry out the county's purposes, goals and objectives. In recognition of the management policies in place, the allocation of dwelling units in Cambria shall be conducted as follows:

(A) Allocation Limit. The annual number of new dwelling units to be allocated shall not exceed 2.3% of the total number of dwelling units within the community services district boundary within the urban reserve line as designated in the county general plan. The dwelling units to be allocated shall be taken from those applicants next in line on the community waiting list. The number of allocated units may be reduced if the resources are not available to support the maximum number of potential allocations, as described below. Any dwelling unit allocations not utilized by Cambria shall become available for countywide allocation in accordance with the provisions of this title.


(ii) "Grandfathered" Units in Cambria. Of the total number of dwelling units to be allowed in Cambria each year, the Cambria Community Services District shall reserve eight allocations for parcels certified by the district as having "grandfathered" right to water service and "will serve" letters will be issued to such applicants on a first-come-first-served basis. These grandfathered units shall be allocated as follows: four units for Tract 1804 and four for the remaining units on the grandfather list. This increase shall be re-evaluated once the Cambria Community Services District has lifted the current moratorium on development that is not considered as grandfathered or active meter status.

(iii) Transfer of Allocations in Cambria. Residential allocations may be transferred within the CCSD as long as any such transfer conforms with District Ordinance 1-93, as may be amended from time to time by the district relating to retirement of development rights.