

(Adjustment). An adjustment may also be requested for a road that exceeds 20 percent grade and is designed by a Registered Civil Engineer.

- f. Adjustments.** An adjustment to the standards of Section 23.05.104d or e may be granted where proposed by the applicant and mitigated practices are approved by the fire inspection authority, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

(1) Application filing and processing. Requests for adjustment shall be filed with the fire inspection authority by the applicant or the applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and siting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the fire inspection authority when it has determined that the criteria for adjustment are satisfied as described in Section 23.05.104f.

(2) Appeals. Where an adjustment is not granted by the fire inspection authority, the applicant may appeal such denial to the Fire Appeal Board as set forth in Title 16 of the county code. Decisions by the Fire Appeal Board may be appealed to the Planning Commission (Section 23.01.042).

23.05.106 - Curbs, Gutters And Sidewalks

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

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

(1) The value of any new structures or changes to existing structures, items or equipment (that add value to the property but would be exempt from a construction permit or would not be subject to "valuation" by the department) proposed during a period of 12 months (as indicated by all building permits issued for the site during the 12-month period) exceed 25% of the total of all improvements existing on the site as determined by the assessment roll or a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State

Office of Real Estate Appraisal and shall determine full market value of the parcel, allocating for land and existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraisers Standards Board of the Appraisal Foundation. Both of these shall be determined at the time the first building permit (within the 12-month period) is applied for.

- (2) A new structure is moved on to a site (rather than constructed in place) where street frontage improvements would be required by subsection b. of this section.

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

- b. Where required:** Curb, gutter and sidewalk is required with any project in the following areas, unless otherwise provided by planning area standards:

- (1) In all Commercial and Office and Professional categories within an urban reserve line.
- (2) In Residential Multi-Family categories within an urban reserve line.
- (3) In all Industrial categories within an urban reserve line.
- (4) In new residential subdivisions, pursuant to Title 21 of the County Code.

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

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

- (1) **Incompatible grade:** The improvements required by this section may be waived or modified by the County Engineer when, in the opinion of the County Engineer, the finish grades of the project site and adjoining street are incompatible for the purpose of accommodating such improvements.
- (2) **Incompatible development:** The required improvements may be waived by joint decision of the Planning Director and County Engineer where they determine, based

upon the land use designations of the Land Use Element, existing land uses in the site vicinity, and existing and projected needs for drainage and traffic control, that such improvements would be incompatible with the ultimate development of the area.

(3) Premature development:

- (i) The required improvements may be waived when the Planning Director determines that they would be premature to the development of the area because the proposed use which causes the improvements to be required by subsections a. and b. of this section is an interim use of the site and the required improvements can clearly be obtained with further or intensified development of the site at a later time.
- (ii) A portion of the improvements required by subsection c. of this section may be waived when the Planning Director determines that the project under consideration is a part of a phased development and that upon completion of all phases the entire extent of improvements specified by said subsection c. will be constructed.
- (iii) The required improvements may be delayed when the County Engineer determines that they would be premature to the development of the area, because the proposed use is likely to be the ultimate development of the site, but the characteristics of ongoing development in the vicinity result in the County Engineer concluding that delaying the improvements would better support the orderly development of the area; in which case the applicant shall execute an agreement in accordance with Section 22.05.106g and construct the improvements within a period of one year or such other time established by the County Engineer.

(4) Board of Supervisors modification: The requirement for curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed through approval of such by the Board of Supervisors where it has been determined by the County Engineer and the Director of Planning and Building that a waiver cannot otherwise be granted through the exceptions defined in Sections 23.05.106d(1) through (3), and the Board of Supervisors finds that special circumstances exist including but not limited to, an unusual landscape feature, a specific valuation inequity or a property specific circumstance that would make construction of the required improvements ineffectual.

(5) Exception procedure: Any of the exceptions set forth in this section are to be requested in writing, using the application form provided by the Planning and Building Department.

e. Design and construction: Curb, gutter and sidewalk improvements shall be designed and constructed to the grade and specifications required by the County Engineer, as follows:

(1) Design standards:

- (i) The County Engineer shall design and stake the improvements required by this section when the fronting streets are in the county-maintained road system.
- (ii) When the fronting streets are not in the county-maintained road system or the improvements are required by Minor Use Permit or Development Plan conditions of approval, the County Engineer may require that a Registered Civil Engineer be retained by the developer to design and stake the required improvements. Improvement plans shall be prepared in accordance with the San Luis Obispo County Improvement Standard Specifications and shall be approved by the County Engineer.
- (iii) The developer shall enter into an agreement with the County Engineer for the checking and inspection of improvement work designed by a private engineer.

(2) Construction standards:

- (i) All grading and construction is to occur at the expense of the developer, including placement of base and surfacing between the lip of the new gutter and the existing pavement (if any) as necessary to complete the street surface.
- (ii) Any required street surfacing shall be a minimum of 2-inches of asphaltic concrete and the structural section shall be based on a traffic index of four or greater as required by the County Engineer.
- (iii) Where there is no existing pavement, the paved surfacing across the property frontage shall be a minimum of 24 feet in width measured from the face of the curb and shall continue with a minimum width of 20 feet to the nearest paved, county-maintained road. Where surfacing exists along the fronting street, the new surfacing shall be installed between the gutter and the existing pavement. These improvements shall include paved transitions to provide for existing road drainage as well as drainage to or from the proposed site.

- f. Timing of installation:** all required improvements to be completed as set forth in Section 23.02.044 (Project Completion), Section 23.02.048 (Occupancy with Incomplete Site Improvements) prior to occupancy, or Section 23.05.106g (Encroachment Permit Fee and Agreement Required).
- g. Encroachment permit fee and agreement required:** All persons required to install concrete curbs, gutters and sidewalks under this section shall execute with the County Engineer an agreement to install the curbs, gutters and sidewalks in accordance with the provisions of this section, pay the current fee required for a curb, gutter and sidewalk encroachment permit and post a faithful performance bond for the construction of the improvements in an amount determined by the County Engineer, prior to the issuance of the building permit.
- h. Appeal:** Any person aggrieved by the requirements of this section shall have the right of appeal to the Board of Supervisors in accordance with the procedure set forth in Section 23.01.042a of this title.

[Amended 1995, Ord. 2715; 2004, Ord. 3001]

23.05.110 - Road And Bridge Design, Construction And Maintenance

Roads and bridges shall be designed, constructed and maintained to protect sensitive resources (such as aquatic habitat and scenic vistas) and prime agricultural soils to the maximum extent feasible; to minimize terrain disturbance, vegetation removal and disturbance of natural drainage courses; to avoid the need for shoreline and streambank protective devices; and to provide for bikeways and trails, consistent with the Circulation Element of the Local Coastal Plan. In addition, the following measures shall be implemented:

- a.** Contour slopes to blend in with adjacent natural topography.
- b.** Replant graded areas with native non-invasive vegetation of local stock.
- c.** Include pollution prevention procedures in the operation and maintenance of roads and bridges to reduce pollution of surface waters.
- d.** Apply fertilizers and nutrients at rates that establish and maintain vegetation without causing nutrient runoff to surface waters.
- e.** Give preference to aerial crossings of watercourses.

[Added 2004, Ord. 3048]