

Attachment 3

1-1

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



PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE April 12, 2012	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2011-00008
SUBJECT A request by the COUNTY OF SAN LUIS OBISPO to amend the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2012-2013, maintain the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015, and update the frequency of approval of the Resource Management System Resource Summary Report. This ordinance amendment affects the land use categories within the communities of Cambria and the Nipomo Mesa area within the North Coast and South County planning areas. Supervisorial District Nos. 2 and 4.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: Approval of Growth Management Ordinance amendment LRP2011-00008 as shown in Exhibit LRP2011-00008:A based on the recommended findings listed in this report.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY Various	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER N/A	SUPERVISOR DISTRICT(S) 2, 4
PLANNING AREA STANDARDS: N/A			
EXISTING USES: N/A			
SURROUNDING LAND USE CATEGORIES AND USES: N/A			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: County Counsel, South County Advisory Council, North Coast Advisory Council, Nipomo Community Services District and the Cambria Community Services District.			
TOPOGRAPHY: N/A		VEGETATION: N/A	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: N/A		ACCEPTANCE DATE: N/A	
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 DESCRIPTION

A proposed amendment to the Growth Management Ordinance, Title 26 of the County Code, is attached to this staff report. The Growth Management Ordinance (GMO) amendments serve to update the fiscal year references for the maximum number of new dwelling units allowed in the Nipomo Mesa area for Fiscal Year 2012-2013, maintain the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015 to address the Water Shortage Emergency, and provide necessary text reference updates regarding the frequency of review of the Resource Management System Resource Summary Report from an annual update to a biannual update or as otherwise directed by the Board of Supervisors.

BACKGROUND

Project History

On August 12, 2008 the Board of Supervisors adopted changes to the Growth Management Ordinance, Title 26 of the County Code, to provide clean up and housekeeping updates of outdated references and information, and simplification for better understanding and efficiency. These changes have been implemented (Ordinance No. 3155). During preparation of the clean up amendments planning staff identified that amendments to Section 26.01.070, General Procedures, were necessary prior to June 30, 2009, June 30, 2010 and June 30, 2011 and the changes have been implemented (Ordinance Nos. 3178, 3194 and 3213). In addition, planning staff have identified four (4) amendments to Section 26.01.070, General Procedures that are necessary prior to June 30, 2012. This staff report addresses planning staff's proposed ordinance amendment for the Growth Management Ordinance.

DISCUSSION

Attachment 1, Exhibit LRP2011-00008:A, shows proposed revisions to the Growth Management Ordinance, Title 26 of the County Code. Proposed text marked for deletion has a ~~strikeout~~ and the proposed text to be inserted is underlined. The proposed revisions are described below:

1. Section 26.01.070, b. – The current text regarding the annual review of the growth management program refers to an annual review of the Resource Management System. On November 22, 2011 your Board amended the Framework for Planning – Inland and Coastal Zone to require preparation of the Resource Management System Annual Summary Report every two years, or as otherwise directed by the Board of Supervisors, instead of every year as was previously required.

The proposed text changes state "The Board of Supervisors shall hold a public hearing to consider the ~~annual~~ summary report of the Resource Management System (RMS) as described in Framework for Planning of the general plan. The Resource Summary Report is prepared biannually or as otherwise directed by the Board of Supervisors. Following the review of the RMS, the Board shall evaluate the proposed growth rates for the ensuing fiscal year in light of the availability of resources and services necessary to accommodate new development and may initiate proceedings to amend this title to modify the annual growth rate based on the evaluation of the RMS data. For those intermittent years in which the Resource Summary Report is not prepared, the Board shall evaluate the proposed growth rates in light of the most recently Board of Supervisors' approved Resource Summary Report.

Why the above text is proposed for change: The current text is out of date and requires revision because it still refers to an annual review of the Resource Management System.

It is proposed that for those intermittent years in which the Resource Summary Report is not prepared, the Board shall evaluate the proposed growth rates in light of the most recently Board of Supervisors' approved Resource Summary Report.

2. Section 26.01.070, h. - The current text regarding the maximum number of new dwelling units allowed in the Nipomo Mesa area refers to "...the period of July 1, 2011 through June 30, 2012...". The proposed text changes refer to "...the period of July 1, 2014~~2~~ through June 30, 2012~~3~~".

Why the above text is proposed for change: The current text will soon be outdated and needs to be revised to address the upcoming Fiscal Year 2012-2013. Each fiscal year the date references require revision to stay current with the upcoming fiscal year period.

3. Section 26.01.070, j. (1) (a) (i) – On May 19, 2009 (Ordinance No. 3178) the Board of Supervisors adopted the current text regarding the Maximum Annual Allocation for the community of Cambria. The 2009 staff report presented by planning staff noted that through the most recent update to the North Coast area plan, the Planning Commission received testimony that accepting allocation requests for the Cambria area was confusing to applicants and created potentially false expectations for service. The recommendation was to set the growth rate at 0% in order to discontinue the stock-piling of allocation requests that could potentially be selected at the time the moratorium is lifted. In addition, the recommendation was to not accept further allocations for the growth management waiting list in Cambria due to the potential for misunderstanding and expectations of service.

On February 10, 2009 the Board of Supervisors approved the 2008 Annual Resource Summary Report. On June 8, 2010 the Board of Supervisors approved the 2009 Annual Resource Summary Report. The reports noted that the Cambria Community Services District (CCSD) has completed a Water Master Plan which calls for continued water conservation, the use of recycled water for irrigation with non-potable water, and desalinated seawater to augment its potable water supply. The report also noted that the CCSD is under a Water Shortage Emergency and has ceased issuing water connections until it obtains an additional water supply.

On April 26, 2011 the Board of Supervisors approved the 2009-2010 Annual Resource Summary report. The 2011 staff report presented by planning staff noted that Cambria was still at a level of severity III for water supply and that the Water Shortage Emergency was still in place.

The proposed text changes state "**Allocation for the years July 1, 2009~~12~~ through June 30, 2012~~15~~**. Based on the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, and the County 2008 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on February 10, 2009, and the 2009-2010 Resource Management System (RMS) Resource Summary Report approved by the Board of Supervisors on April 26, 2011, the Maximum Annual Allocation shall be set at 0% per fiscal year for the period from July 1, 2009~~12~~ through June 30, 2012~~15~~, resulting in no new allocation requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2009~~12~~ through June 30, 2012~~15~~. Prior to June 30, 2015, the Maximum Annual Allocation may be reevaluated. Any change to the Maximum Annual Allocation requires amendment to this Title.

Why the above text is proposed for change: The fiscal year date references are extended to address the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, the County 2008 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on February 10, 2009, and the 2009-2010 Resource Management System Resource Summary Report approved by the Board of Supervisors on April 26, 2011. Additional text has been added to the end of the paragraph to address the possibility of revisiting the ordinance prior to June 30, 2015 regarding a reevaluation of the maximum annual allocation.

4. Section 26.01.070, j. (1) (b) - The current text refers to Section 26.01.070, j. (1) (a) (i) with reference to "...the period of July 1, 2009 through June 30, 2012..." The proposed text changes refer to "...the period of July 1, 2009~~12~~ through June 30, 2012~~5~~".

Why the above text is proposed for change: The current text requires revision to be consistent with the revision made to Section 26.01.070, j. (1) (a) (i).

ATTACHMENT

1. Exhibit LRP2011-00008:A – An Ordinance Amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance

**LRP2011-00008
FINDINGS**

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
[Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Amendments

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the change is consistent with the general goals of the Land Use Element.
- C. The proposed amendments will provide a necessary text reference updates for the maximum number of new dwelling units allowed in the Nipomo Mesa area for Fiscal Year 2012-2013, maintain the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015 to address the Water Shortage Emergency, and provide necessary text reference updates regarding the frequency of review of the Resource Management System Resource Summary Report from an annual update to a biannual update or as otherwise directed by the Board of Supervisors.

ATTACHMENT 1

EXHIBIT LRP2011-00008:A

**AN ORDINANCE AMENDING TITLE 26
OF THE SAN LUIS OBISPO COUNTY CODE,
THE GROWTH MANAGEMENT ORDINANCE**

This ordinance specifies the exact text to be revised and new text to be inserted by Section for approval by the Board of Supervisors.

EXHIBIT LRP2011-00008:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

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

SECTION 1: Section 26.01.070, b. of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Annual review of growth management program.** The Board of Supervisors shall hold a public hearing to consider the ~~annual~~ summary report of the Resource Management System (RMS) as described in Framework for Planning of the general plan. The Resource Summary Report is prepared biannually or as otherwise directed by the Board of Supervisors. Following the review of the RMS, the Board shall evaluate the proposed growth rates for the ensuing fiscal year in light of the availability of resources and services necessary to accommodate new development and may initiate proceedings to amend this title to modify the annual growth rate based on the evaluation of the RMS data. For those intermittent years in which the Resource Summary Report is not prepared, the Board shall evaluate the proposed growth rates in light of the most recently Board of Supervisors' approved Resource Summary Report.

SECTION 2: Section 26.01.070, h. of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- h. Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2014~~2~~ through June 30, 201~~3~~~~3~~ shall not exceed a 1.8 percent increase in the number of existing dwelling units from the previous fiscal year.

SECTION 3: Section 26.01.070, j. (1) (a) (i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) Allocation for the years July 1, 2009~~12~~ through June 30, 204~~2~~~~15~~.** Based on the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, ~~and~~ the County 2008 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on February 10, 2009, and the 2009-2010 Resource Management System (RMS) Resource Summary Report approved by the Board of Supervisors on April 26, 2011, the Maximum Annual Allocation shall be set at 0% per fiscal year for the period from July 1, 2009~~12~~ through June 30, 204~~2~~~~15~~, resulting in no new allocation requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2009~~12~~ through June 30, 204~~2~~~~15~~. Prior to June 30, 2015, the Maximum Annual Allocation may be reevaluated. Any change to the Maximum Annual Allocation requires amendment to this Title.

SECTION 4: Section 26.01.070, j. (1) (b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

b. Freezing of existing waiting lists. In order to eventually eliminate the need for an individual community waiting list for services, the CCSD list that exists as of December 31, 1990, shall be frozen for purposes of administering this title. The County shall obtain a certified copy of the waiting list and all future allocations within the community shall come from the certified list. Any applicant wishing to apply for a dwelling unit allocation that is not on the certified list shall apply to the county for placement on the county's waiting list for Requests for Allocation. However, per section (a) (i) above, no new allocation requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2009~~12~~ through June 30, 2012~~5~~. At the point in the future when the existing community waiting list is exhausted, all future requests for new dwelling units shall be added to the county's waiting list on a first-come-first-served basis and all allocations for new dwelling units in the unincorporated county shall be made from the county waiting list.

SECTION 5: That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 6: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2012, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2012, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

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

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By:

Deputy County Counsel
Dated: