

Attachment 1 - Resolution

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____day_____, 2013

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2013 - _____

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, SAFETY
ELEMENT, THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE,
AND THE COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY
CODE AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Safety Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on December 14, 1999, and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan"; and

WHEREAS, state law, public necessity, convenience and general welfare requires that the General Plan and Land Use Ordinance be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan, the Land Use Ordinance, the Coastal Zone Land Use Ordinance and the Building and Construction Ordinance and adopted resolutions or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 3rd day of December, 2013, that the County General Plan (Safety Element), the Land Use Ordinance and the Coastal Zone Land Use Ordinance - Titles 22 and 23 of the County Code be amended as follows:

1. Amend the San Luis Obispo County General Plan, Safety Element, as such amendment appears on Exhibit LRP2012-00005:A, attached hereto and incorporated herein as though fully

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set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

2. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Sections 22.10.155, 22.80.030” which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

3. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 19, the Building and Construction Ordinance, modifying Section 19.03.010e and adding Chapter 19.09” which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

4. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.450, 23.11.030, 23.05.020 through 23.05.059” which is attached hereto and incorporated herein as though fully set forth, and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

BE IT FURTHER RESOLVED AND ORDERED that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendment that was processed on the basis of a General Rule Exemption (Safety Element), the Board of Supervisors finds 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.
2. Regarding the amendments that were processed on the basis of a Categorical Exemption (portion of Stormwater Amendments – LRP2012-00009:B, LRP2012-00009:C and Section 1 of LRP2012-00009:D), the Board of Supervisors finds that the activity is covered by a categorical exemption (State CEQA Guidelines section 15306) from the California Environmental Quality Act (CEQA).
3. Regarding the amendment that was processed on the basis of a previously-certified Final Environmental Impact Report (FEIR) by the Board of Supervisors on April 13, 2010 (LRP2012-00009:D minus Section 1 covered above), Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.450, 23.11.030, 23.05.020 through 23.05.059), the Board of Supervisors reviewed and considered the previously certified FEIR together with all comments received during the public review process prior to enacting the amendment and based on this review, the Board finds that: (a) the previously-certified FEIR is adequate to address potential

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environmental impacts that may result from the proposed ordinance amendments; and (b) no subsequent EIR or supplement to the previous FEIR is required for the proposed amendments because (i) no substantial changes are proposed to the ordinance amendments that require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (ii) no substantial changes will occur with respect to the circumstances which the amendments will be undertaken that require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and (iii) there is no new information of substantial importance showing that the amendments will have one or more significant effects not discussed in the previous FEIR, that significant effects previously examined will be substantially more severe than shown in the previous FEIR, that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the amendments but are being declined to be adopted, or that mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects of the amendments but are being declined to be adopted.

BE IT FURTHER RESOLVED AND ORDERED that the County of San Luis Obispo's certified Local Coastal Program is intended to be carried out in a manner fully in conformity with the California Coastal Act.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to "An Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.450, 23.11.030, 23.05.020 through 23.05.059" shall become operative automatically, pursuant to Title 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective immediately relative to the item listed in section 1 above, amendments to the San Luis Obispo County General Plan, Safety Element (Exhibit LRP2012-00005:A).

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances _____ (relating to items listed in

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sections 2 and 3 above, “An Ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Sections 22.10.155, 22.80.030” and “An Ordinance Amending Title 19, the Building and Construction Ordinance, modifying Section 19.03.010e and adding Chapter 19.09”), said date being _____, 2013.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the as set forth in the paragraph above describing the process consistent with Title 14 for item listed in section 4 above, “An Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.450, 23.11.030, 23.05.020 through 23.05.059.”

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors
of the 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]

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APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: November 20, 2013