

EXHIBIT LRP2014-00002

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21 OF THE SAN LUIS OBISPO COUNTY CODE, THE REAL PROPERTY DIVISION ORDINANCE, SECTIONS 21.02.048 (a) (15) AND 21.09.040

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

SECTION 1: Section 21.02.048(a)(15) of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (15) Justification.** Justification and reason for any adjustments to the provisions of Section 21.03.010 or the standard improvement specifications and drawings that are requested pursuant to Section 21.03.020 of this title. This justification includes any request for common open space credit in lieu of Quimby fees pursuant to Section 21.09.020.

SECTION 2: Section 21.09.040 of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

21.09.040 - Use of fees and dedicated land

The director of general services shall develop a schedule specifying how, where, and when the county will use the land or fees or both to develop park or recreational facilities to serve the residents of the subdivision. The fees that are collected shall be placed into five zones reflecting geographic areas of common interest for parks and recreation needs based upon the following Planning Areas and sub-areas:

Fee Zone 1:

- Adelaida Sub-area of the North County Planning Area
- El Pomar-Estrella Sub-area of the North County Planning Area
- Nacimiento Sub-area of the North County Planning Area
- Salinas River Sub-area of the North County Planning Area

Fee Zone 2:

- Estero Planning Area
- North Coast Planning Area

Fee Zone 3:

- San Luis Bay (Coastal) Planning Area
- San Luis Obispo Planning Area
- San Luis Obispo Sub-area (south) of the South County Planning Area
- San Luis Bay Inland Sub-area (south) of the South County Planning Area

Fee Zone 4:

- South County (Coastal) Planning Area
- South County Sub-area of the South County Planning Area

Fee Zone 5:

- Carrizo Planning Area

- Huasna-Lopez Sub-area of the South County Planning Area
- Las Pilitas Sub-area of the North County Planning Area
- Shandon-Carrizo Sub-area (north) of the North County Planning Area
- Los Padres Sub-area (north) of the North County Planning Area
- Los Padres Sub-area (south) of the South County Planning Area

The fees that are collected shall be expended in the geographic area where the fees have been collected as established above. All fees collected under this ordinance shall be committed within five years of payment of said fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

SECTION 3. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

SECTION 4. 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 5: 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.

SECTION 6: In accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

INTRODUCED ON _____ day of _____, 20____ PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the day of _____, 20____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson 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:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: November 19, 2014