LRP 2012-00002:B

ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 21 OF THE SAN LUIS OBISPO COUNTY CODE, THE REAL PROPERTY DIVISION ORDINANCE, CHAPTER 3 RELATING TO FLOOD HAZARD COMBINING DESIGNATION AREAS

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

SECTION 1: Section 21. 03.010(e) of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended as follows:

(e) Flood hazard and drainage.

(1) Where all or any portion of the subdivision is located within a Flood Hazard combining designation, evidence must be submitted to show that the parcels will have flood free building sites which satisfy the requirements of Title 22 or Title 23 of this code and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. In addition, the subdivision must not cause a flood hazard to surrounding properties.

(2) Privately maintained drainage basins shall be designed to contain two feet of water or less under the design storm as measured from the lowest point in the basin, and shall be landscaped so as to provide usable open space. Where it is not feasible to construct a drainage basin containing two feet of water or less, an adjustment may be granted pursuant to Section 21.03.020. Where such a basin is proposed, a conceptual plan shall be submitted illustrating: basin cross sections, perimeter safety/access barrier, and interior and exterior landscaping and irrigation. The interior of such a basin shall be landscaped to control erosion and the exterior of the fencing shall be landscaped to screen and soften the fencing.

(3) All new subdivision proposals and other proposed development, including proposals for mobile home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall identify the Special Flood Hazard Areas (SFHA) and the Base Flood Elevations (BFE)

SECTION 2. 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 3. 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 4: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, 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.

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:

RITA L. NEAL
County Counsel

By: Assistant County Counsel

Dated: February 9, 2015