

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

\_\_\_\_\_ day \_\_\_\_\_, 2015

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2015 - \_\_\_\_\_

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, FRAMEWORK FOR PLANNING (INLAND), PART I OF THE LAND USE AND CIRCULATION ELEMENTS (LUCE); THE CARRIZO, NORTH COUNTY, SAN LUIS OBISPO, AND SOUTH COUNTY AREA PLANS, PART II OF THE LUCE; THE OFFICIAL MAPS, PART IV OF THE LUCE; THE CONSERVATION AND OPEN SPACE ELEMENT; THE RULES OF PROCEDURE TO IMPLEMENT THE CALIFORNIA LAND CONSERVATION ACT OF 1965; THE REAL PROPERTY DIVISION ORDINANCE, TITLE 21 OF THE COUNTY CODE; THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE; THE COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE AND APPROVAL OF ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

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

WHEREAS, the Land Use and Circulation Element of the San Luis Obispo General Plan was adopted by the Board of Supervisors on September 22, 1980; and

WHEREAS, the Conservation and Open Space Element of the San Luis Obispo General Plan was adopted by the Board of Supervisors on May 20, 2010 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 to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general and specific plans be amended from time to time; and

WHEREAS, Government Code Section 51231 authorizes the Board of Supervisors, by resolution, to adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish preserves; and

WHEREAS, on June 26, 1972, the Board of Supervisors duly adopted Resolution No. 72-396 wherein it adopted "Rules of Procedure to Implement the Land Conservation Act of 1965" in the County of San Luis Obispo pursuant to the provisions of Government Code Section 51231; and

WHEREAS, the Board of Supervisors subsequently amended said Rules of Procedure by duly adopting Resolution No. 73-579 on October 15, 1973, Resolution No. 74-135 on March 16, 1974,

Resolution 76-574 on August 10, 1976, Resolution No. 91-370 on July 2, 1991, Resolution No. 95-58 on February 7, 1995, and Resolution No. 2001-334 on August 14, 2001, Resolution No. 2007-442 on December 4, 2007, Resolution No. 2008-72 on February 26, 2008 and Resolution 2011-373 on November 8, 2011; and

WHEREAS, the Board of Supervisors finds that it is in the public interest to consider further amendments to the previously adopted Rules of Procedure; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the San Luis Obispo County General Plan, Framework For Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE); the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; the Official Maps, Part IV of the LUCE; the Conservation and Open Space Element; the Rules of Procedure to Implement the California Land Conservation Act of 1965; the Real Property Division Ordinance, Title 21 of the County Code; the Land Use Ordinance, Title 22 of the County Code; the Coastal Zone Land Use Ordinance, Title 23 of the County Code; 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 twenty-fourth day of March, 2015, that the San Luis Obispo County General Plan, Framework For Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE); the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; the Official Maps, Part IV of the LUCE; the Conservation and Open Space Element; the Rules of Procedure to Implement the California Land Conservation Act of 1965; the Real Property Division Ordinance, Title 21 of the County Code; the Land Use Ordinance, Title 22 of the County Code; the Coastal Zone Land Use Ordinance, Title 23 of the County Code; be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use and Circulation Element, Official Maps, by changing the designation for the parcels shown on Exhibit LRP2014-00015:C, attached hereto and incorporated herein as though fully set forth. [This document 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. Amend the San Luis Obispo County General Plan – Land Use and Circulation Element and Conservation and Open Space Element, as such amendment appears on Exhibit LRP2014-00015:C, attached hereto and incorporated herein as though fully set forth. [This document 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. Amend the “Rules of Procedure to Implement the California Land Conservation Act of 1965” as such amendment appears on Exhibit LRP2014-00015:E attached hereto and incorporated herein as though fully set forth. [This document 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 21 Of The San Luis Obispo County Code, The Real Property Division Ordinance, Chapter 3 Relating To Flood Hazard Combining Designation Areas” As Such Amendment Appears On Exhibit LRP2012-00002:B, which is attached hereto and incorporated herein as though fully set forth, and pursuant to and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

5. 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, Chapter 22.14 And Article 8. Relating To Flood Hazard Combining Designation Areas", as such amendment appears on Exhibit LRP2012-00002:C 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.].

6. 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, Chapters 23.07 And 23.11 Relating To Flood Hazard Combining Designation Areas", as such amendment appears on Exhibit LRP2012-00002:D which is attached hereto and incorporated herein as though fully set forth, and pursuant to and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

7. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending The Land Use Ordinance, Title 22 Of The San Luis Obispo County Code, Relative To The Renewable Energy Streamlining Program (RESP)", as such amendment appears on Exhibit LRP2014-00015:D 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.].

8. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending The San Luis Obispo County Land Use Ordinance, Title 22 Of The County Code, Relative To Mini-Storage Warehouse Facilities In The Residential Multi-Family Land Use Category", as such amendment appears on Exhibit LRP2014-00007:B 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.].

9. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending The San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 Of The County Code, Relative To Mini-Storage Warehouse Facilities In The Residential Multi-Family Land Use Category", as such amendment appears on Exhibit LRP2014-00007:C which is attached hereto and incorporated herein as though fully set forth, and pursuant to and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

10. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

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

1. Regarding the amendments that were processed on the basis of a General Rule Exemptions (Flood Hazard and Residential Multi-Family), 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 amendment that was processed on the basis of a proposed Final Environmental Impact Report (FEIR) (RESP-LRP2014-00015:A), the Board of Supervisors reviewed and considered the proposed Final Environmental Impact Report together with all comments received during the public review process prior to enacting the amendments. Further, on the basis of the environmental review and comments received for the Final Environmental Impact Report, there is substantial evidence that the amendments will have significant, unmitigable, unavoidable, adverse effects on the environment; therefore the Board of Supervisors hereby certifies the Final Environmental Impact Report pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) and adopts the recommended findings of the County Environmental Coordinator, and adopts statements of overriding consideration, which are attached hereto in Exhibit LRP2014-00015:A and incorporated herein as though fully set forth. The Final Environmental Impact Report prepared reflects the independent judgment of the County of San Luis Obispo, acting as the lead agency for the adoption and amendments.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits LRP2012-00002:B, LRP2012-00002:D and LRP2014-00007:C shall become operative automatically, pursuant to 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 the local coastal program is intended to be carried out in a manner fully in conformity with the Coastal Act.

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 on the same date as Ordinances \_\_\_\_\_, said date being \_\_\_\_\_, 2015.

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.

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

ATTEST

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

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: March 20, 2015