

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/6/2015	(3) CONTACT/PHONE Xzandrea Fowler, Supervising Planner / (805) 781-1172	
(4) SUBJECT Request to authorize the Use of Alternative Publication Procedures for the Countywide Water Conservation Program, including amendments to the Agriculture Element of the General Plan, the Conservation and Open Space Element of the General Plan, Title 8, Title 19, and Title 22 of the County Code, and the County Fee Schedule. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Authorize that a display advertisement of one-quarter page be published in two newspapers of general circulation in the north and south areas of the County, indicating the general nature of the proposed General Plan and ordinance amendments at least five days prior to the meeting at which the amendments will be considered for adoption can act as the alternative publication pursuant to Government Code §25124(b)(2). 2. Authorize that a display advertisement of one-quarter page be published in two newspapers of general circulation within 15 days after adoption of the proposed amendments by your Board. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>7/21/2015</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			



County of San Luis Obispo

TO: Board of Supervisors

FROM: Xzandrea Fowler, Supervising Planner, Policy and Programs

VIA:: Matt Janssen, Division Manager, Policy and Programs

DATE 10/6/2015

SUBJECT: Request to authorize the Use of Alternative Publication Procedures for the Countywide Water Conservation Program, including amendments to the Agriculture Element of the General Plan, the Conservation and Open Space Element of the General Plan, Title 8, Title 19, and Title 22 of the County Code, and the County Fee Schedule. All Districts.

RECOMMENDATION

It is recommended that the board of supervisors:

1. Authorize that a display advertisement of one-quarter page be published in two newspapers of general circulation in the county, indicating the general nature of the proposed general plan and ordinance amendments at least five days prior to the meeting at which the amendments will be considered for adoption can act as the alternative publication pursuant to government code §25124(b)(2).
2. Authorize that a display advertisement of one-quarter page be published in a newspaper of general circulation within 15 days after adoption of the proposed amendments by your board.

DISCUSSION

Background

This alternative publication item was previously introduced on July 21, 2015; however, because the hearing item was postponed, the alternative publication item was never published. In addition, on July 21, 2015, the Board specified that the display advertisement be published two newspapers of general circulation instead of one. As a result, this revised alternative publication request needs to be approved for the hearing on October 27, 2015.

Alternative Publication Details

On October 27, 2015, your board will hold a public hearing for the following amendment:

Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 22 (Land Use Ordinance) of the County Code; Title 8 (Health and Sanitation Ordinance), Title 19 (Building and

Construction Ordinance), and The County Fee Schedule (Ordinance 3274) in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1(Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for amendments to Section 8.40.030 – Acts Prohibited, Permit Required and Section 8.40.040 – Permits, and for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County.
County file number: LRP2013-00012 APN(s): Countywide
Supervisorial district: All Date Accepted: N/A

The California government code, section 25124, establishes specific publication requirements for ordinance amendments. Your board can order that a display advertisement be published in a newspaper of general circulation in the county prior to the public hearing and that a display ad be placed in a newspaper of general circulation following action on the amendments.

Staff comments

The California government code establishes specific publication requirements for ordinance amendments, and offers two cost-saving alternatives to publishing the complete text of an adopted ordinance after its passage (which are historically been the most commonly-used methods). The alternatives include either publishing a summary of the adopted amendments; or, where your Board determines that a summary would not be effective, a simple display ad can be published in a local newspaper noting passage of the ordinance, where it can be obtained, and how your Board voted on its adoption. This request would not alter the existing requirements for noticing of the hearing scheduled for October 27, 2015, when the Board will consider and potentially act on the Countywide Water Conservation Program.

A quarter page display ad will be the best option to notice, as a fair and adequate summary of the proposed amendments would be infeasible to prepare. To summarize the ordinance amendment language would leave out important context and provide an incomplete picture of the amendments. A summary may also be seen as confusing and could discourage people from reading the full text and intent of the program. A display ad is better suited to direct people exactly where to find the proposed ordinance amendments and read the language that will be heard by the Board of Supervisors.

Therefore, in accordance with section 25124 of the California government code, we are requesting that your Board order that a display advertisement of a one-quarter page be published in two newspapers of general circulation in the county at least five days prior to the hearing date, indicating the general nature of the proposed ordinance amendments to be considered. In addition, it is requested that your Board direct that a one-quarter page display advertisement be placed in two newspapers of general circulation within 15 days after adoption of the proposed amendments.

Because publication of a display advertisement would cost substantially less than the full text of the adopted amendments, and because the diversity of topics covered in the amendments does not enable a meaningful summary, your favorable consideration on this matter is appreciated.

OTHER AGENCY INVOLVEMENT/IMPACT

Applicable agencies and community advisory committees were provided referrals of the amendments.

FINANCIAL CONSIDERATIONS

The current cost of publishing two quarter page display ads in two different newspapers is approximately between \$2,200 and \$2,500. Reproducing the complete text of all of the amendments contained in these ordinance amendments would cost approximately between \$30,000 and \$38,000, depending on the size of the amendment text.

One display ad is published prior to the hearing and the second display ad is published following the decision, which summarizes the decision made by the board. This display ad provides disclosure to the public that amendments were approved, where they may be obtained, and how the board voted, but does not require that the entire amendment text be published, thereby saving the cost of publishing the amendments in their entirety.

RESULTS

Advertising of the amendments will allow public hearings to occur in conformance with the government code and will cost substantially less than publishing the full text of the adopted amendments and will be more likely to be seen by the public. This is consistent with the county goal of a prosperous and well governed community.