

EXHIBIT B
LRP 2010-00008

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21 OF THE SAN LUIS OBISPO COUNTY
CODE, THE REAL PROPERTY DIVISION ORDINANCE, SECTION 21.02.090
RELATING TO DUTIES OF THE PLANNING COMMISSION AND SUBDIVISION
REVIEW BOARD AS THE ADVISORY AGENCY AND SECTION 21.06.010
RELATING TO DISCRETIONARY TIME EXTENSIONS

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

SECTION 1: Section 21.02.090 of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended as follows:

21.02.090 - Duties of the planning commission and subdivision review board as the advisory agency.

- (a) The planning commission is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative tract maps. In addition, the planning commission is authorized to make decisions on adjustment requests for tentative tract maps filed under Section 21.03.020, time extension requests for tentative tract maps filed under Section 21.06.010, and modification requests for recorded final tract maps filed under Section 21.06.060.
- (b) The subdivision review board is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative parcel maps, requests for the waiver of the filing of a parcel map as defined in Section 21.02.010(e), lot line adjustments as defined in Section 21.02.030, conditional certificates of compliance as defined in Section 21.02.020, and notices of violation as defined in Section 21.07.020. In addition, the subdivision review board is authorized to make decisions on adjustment requests for tentative parcel maps filed under Section 21.03.020, time extension requests for tentative parcel maps filed under Section 21.06.010, and modification requests for recorded parcel maps filed under Section 21.06.060.
- (c) The subdivision review board, as the Review Authority, is authorized to approve, conditionally approve, or disapprove certain land use permit applications that are submitted and filed in conjunction with tentative parcel map applications pursuant to the provisions of Title 22 or Title 23 of this code.
- (d) At the discretion of the Planning Director, any application for a project that may generate substantial public controversy or involve significant land use policy issues and for which review authority is granted to the subdivision review board pursuant to the provisions of Title 22 or Title 23 of this code, or this Title, may be referred to the planning commission for review and decision in the same manner as a tentative tract map without the applicant being charged an additional application fee.

SECTION 2: Section 21.06.010(c) of the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code, is hereby amended to read as follows:

- (c) Upon application of the divider filed with the planning department prior to the expiration of the approved or conditionally approved tentative parcel map or tentative tract map, the advisory agency (the subdivision review board or planning commission) may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of ~~five years~~ six years. The planning department shall make a written recommendation in its staff report to the advisory agency concerning the extension request. The decision of the advisory agency shall be final unless appealed to the board of supervisors within fifteen (15) days after the date of the decision.

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 (Cal. Code Regs., tit. 14, § 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, 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.

INTRODUCED at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2012, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2012, 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:

WARREN R. JENSEN
County Counsel

By: _____
Deputy County Counsel

Date: _____