

**ORDINANCE NO. 3505**

**ORDINANCE AMENDING COUNTY FEE SCHEDULE TO UPDATE DEPARTMENT  
OF PLANNING AND BUILDING CANNABIS FEE**

**WHEREAS**, per Board direction, the Board requested a change to one of the Cannabis fees presented at a public hearing on February 6<sup>th</sup>; and

**WHEREAS**, in accordance with Government Code Sections 36934, 66016, and 66018, a public hearing was duly noticed and conducted by the Board of Supervisors on February 27, 2024, regarding adoption of the ordinance amendment necessary to approve the requested change.

**NOW THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

**SECTION 1:** The Board finds and determines:

**a.** That it has the authority to revise fee charges for providing any product, service, or enforcement of various regulations under the general laws of the State of California, including Government Code Sections 54985 et seq. and 66010 et seq.

**b.** The Board has adopted a policy (Resolution No. 75-396) requiring the County Administrator and the County Auditor-Controller to annually review changes in fees and charges for specific County products, services, and costs of enforcement with the departments making those charges and make recommendations to this Board as to whether said charges should remain the same, be increased or be decreased.

**c.** On November 28, 2023, Ordinance No 3499 was adopted establishing or reaffirming all county fees. Said ordinances, and any other ordinances subsequently adopted amending the fee schedule, shall continue in effect unless modified by this ordinance. All fees to be charged in Fiscal Year 2024-25 as set forth in Schedule "B" of this ordinance have been subject to review by the County Administrator and the County Auditor-Controller. All fees presented on Schedule "B" are attached and incorporated by reference herein; and

**d.** On February 6, 2024, Ordinance No 3503 was adopted establishing and reaffirming Planning and Building County fees and Ordinance No 3504 was also adopted establishing or reaffirming all county cannabis fees. Said ordinances, and any other ordinances subsequently adopted amending the fee schedule, shall continue in effect unless modified by this ordinance. All fees to be charged in Fiscal Year 2024-25 as set forth in Schedule "B" of this ordinance have been subject to review by the County Administrator and the County Auditor-Controller. All fees presented on Schedule "B" are attached and incorporated by reference herein.

**e.** The County Auditor-Controller has certified to this Board that the overhead rates are calculated in accordance with accounting standards set by the Federal Government's Office of Management and Budget, in accordance with Circular A-87.

f. The fees and charges shown on Schedule "B" hereto reflect the Board approved charges for providing any product or service, or the cost of enforcing any regulations, which are limited to those items included in the Federal Office of Management and Budget Circular A-87; provided, however, that fees for zoning and planning matters, including municipal and district organizational and re-organizational matters, as specified in Government Code Section 66016, do not exceed estimated reasonable costs of those services for which the fees are charged.

g. Capital facilities fees do not exceed actual construction costs as defined in Government Code Section 54999.1.

h. By definition, these charges are not a "tax" and are exempt from voter approval pursuant to California Constitution Code Article XIII C, section 1, paragraph (e)(1)[charge for specific benefit conferred]/(2)[charge for specific service provided]/(3)[charge for issuing license or performing inspection]/(4)[charge for use of government property]/(5)[fine or penalty imposed for violation of law] (Prop.26).

i. Public Notice has been given in accordance with Government Code Sections 66016 and 66018.

**SECTION 2:** The Fee Schedules are amended as follows:

a. That the fee changes attached and incorporated by reference herein shown on Schedule "B" as "proposed fees" are hereby approved and shall be effective July 1, 2024.

**SECTION 3:** All departmental managers and divisional managers whose services are listed in said Schedule "B" are hereby directed to amend their fees for services to the rate shown in Schedule "B" as "proposed fees", including all additions or deletions.

**SECTION 4:** This ordinance shall take effect and be in full force and effect as set forth in Section 2 above; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 6th day of February 2024, and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 27th day of February 2024, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Dawn Ortiz-Legg and Jimmy Paulding

NOES: Supervisor John Peschong and Chairperson Debbie Arnold

ABSENT: None

ABSTAINING: None



Debbie Arnold

Chairperson of the Board of Supervisors

ATTEST:

REBECCA CAMPBELL

Acting County Administrative Officer and  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin

Deputy Clerk

Department Name: Planning and Building  
Fund Center: 142

Attachment 1

Fee Detail					FY 2023-24 FEE SCHEDULE		FY 2024-25 FEE SCHEDULE		DIFFERENCE	Comments
Fee Indicator #	Fee Category	Fee Description	Board Discretion Type	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.	\$ Difference from Prior Year	
4002	Increased	Appeal (Cannabis) – Approval / Denial of a Cannabis-Related Land Use Permit, or Request for Review of an Environmental Determination (A30cn'	Full		\$850.00		\$2,000.00		\$1,150.00	<a href="#">See Footnote 6</a>

**Department Name:** Planning and Building

**Fund Center:** 142

Footnote #	Footnote Narrative
6	If this fee is collected by the Department, the applicant may elect to appeal the decision directly to the California Coastal Commission at no charge per County Code Section 23.01.043.b.3 and the California Code of Regulations Section 13573 and the Public Resources Code Section 30603.