

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE May 23, 2006	(3) CONTACT/PHONE Kim Murry 805-781-5623
(4) SUBJECT Adopt the Resolutions to take final action on all the amendments tentatively recommended for approval on May 9, 16 and 23, 2006 - Amendments to the Land Use Element (South County Area Plan), Title 19 (Building And Construction Ordinance, Title 22 (Land Use Ordinance), and Title 26 (Growth Management Ordinance) - Summer General Plan Amendment Cycle 2006. Supervisorial District All		
(5) SUMMARY OF REQUEST This item is before your Board to adopt all amendments previously given tentative approval on May 9, 16 and 23, 2006 through adoption of the attached Resolution and ordinances. The attached Resolutions and ordinances reflect all previous direction from the Board of Supervisors. The items are described as follows: LRP2005-00011: Introduce and set for final action proposed changes to the County's Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include: (1) Redefine the multi-family/planned development definition (2) Revise the percentages reserved for each category to reflect current trends. (3) Increase the percent allowed to any one developer for projects that meet certain criteria, such as location within Olde Towne Nipomo that are smart growth, green build, mixed use, senior housing, or for projects that contribute to traffic improvements, etc (4) For the Nipomo Mesa Area, allow up to 35 additional units from previous years' unused allotments for projects that meet the criteria listed above. (5) For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment. (6) Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment. (7) Update incorrect ordinance references in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e. LRP2005-00006 - A proposal by the County of San Luis Obispo to adopt planning area standards that would require applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee. Other proposed amendments would broaden the application of low water use landscape requirements and would require the inclusion of specific indoor and outdoor water conservation measures in all new construction. The proposal includes recommendations to amend the Land Use Ordinance, Title 22, The Land Use Element (South County Area Plan) and the Building and Construction Ordinance, Title 19.		
(6) RECOMMENDED ACTION Take final action on all amendments previously given tentative approval on May 9, 16 and 23, 2006 by adopting the attached resolutions and ordinances.		
(7) FUNDING SOURCE(S) Department Budget	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): See Attached Reports		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. _30 minutes_) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input type="checkbox"/> N/A Date: 5/9/06 & 5/16/06
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em;"> OK Leslie Brown </div>		



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KIM MURRY, DIVISION MANAGER
JOHN HAND, SENIOR PLANNER, LONG RANGE PLANNING

VIA: PAT BECK, ASSISTANT PLANNING DIRECTOR *PB*

DATE: MAY 23, 2006

SUBJECT: Adopt the Resolutions to take final action on all the amendments tentatively recommended for approval on May 9, 16 and 23, 2006 - Amendments to the Land Use Element (South County Area Plan), Title 19 (Building And Construction Ordinance, Title 22 (Land Use Ordinance), and Title 26 (Growth Management Ordinance) - Summer General Plan Amendment Cycle 2006
Supervisorial District All

RECOMMENDATION

Take final action on all amendments previously given tentative approval on May 9, 16 and 23, 2006 by adopting the attached resolutions and ordinances.

DISCUSSION

This item is before your Board to adopt all amendments previously given tentative approval on May 9, 16 and 23, 2006 through adoption of the attached Resolution and ordinances. The attached Resolutions and ordinances reflect all previous direction from the Board of Supervisors.

The items given tentative approval are as follows:

LRP2005-00011: Introduce and set for final action proposed changes to the County's Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:

1. Redefine the multi-family/planned development definition
2. Revise the percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as location within Olde Towne Nipomo that are smart growth, green build, mixed use, senior housing, or for projects that contribute to traffic improvements, etc.

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4. For the Nipomo Mesa Area, allow up to 35 additional units from previous years' unused allotments for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. Update incorrect ordinance references in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.

Supervisorial District: All

LRP2005-00006 - A proposal by the County of San Luis Obispo to adopt planning area standards that would require applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee. Other proposed amendments would broaden the application of low water use landscape requirements and would require the inclusion of specific indoor and outdoor water conservation measures in all new construction. The proposal includes recommendations to amend the Land Use Ordinance, Title 22, The Land Use Element (South County Area Plan) and the Building and Construction Ordinance, Title 19.

OTHER AGENCY INVOLVEMENT/IMPACTS

County Counsel has reviewed and approved the resolutions and ordinances.

FINANCIAL CONSIDERATIONS

Costs for the processing of county-initiated amendments are included in the current department budget.

RESULTS

Approval of any of the applications will allow the amendments to become effective in 30 days from final action, which occurs today. Denial of any of the amendments will mean that the proposed amendments would not become effective. The proposed amendments link to the identified County-wide goal of a Well-Governed Community.

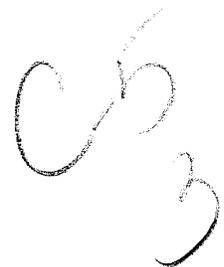


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Attachment 1 Resolution approving the carry over of 10% of the maximum allotment from the previous year to make those unused allotments available for distribution in the FY 06-07.

Attachment 2 Resolution amending the Land Use Element (South County Area Plan), Title 19, Title 22 and Title 26

Exhibit LRP2005-00006:B (South County Area Plan Amendments)

Exhibit LRP2005-00006:C (Title 19)

Exhibit LRP2005-00006:A (Title 22)

Exhibit LRP2005-00011:A (Title 26)

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ATTACHMENT 1

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

23rd day May, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO APPROVING THE CARRY OVER OF 10% OF THE MAXIMUM ALLOTMENT FROM THE PREVIOUS YEAR TO MAKE THOSE UNUSED ALLOTMENTS AVAILABLE FOR DISTRIBUTION IN THE FISCAL YEAR 06-07, RESULTING IN AN ADDITIONAL 110 UNITS COUNTY-WIDE WITH NONE OF THESE UNITS AVAILABLE IN THE NIPOMO MESA AREA OR THE COMMUNITY OF CAMBRIA

The following resolution is hereby offered and read:

WHEREAS, the Board of Supervisors adopted Title 26 creating and establishing the authority for adopting annual growth rates for the county and it's unincorporated communities; and

WHEREAS, Title 26 contains a provision under Section 26. 01. 072d whereby the Board of Supervisors can carry over unused allotments/allocations from one year to the next; and

WHEREAS, the Board of Supervisors annually holds an advertised public hearing to consider and set the annual growth rate and this hearing was held on May 9, 2006 and May 16, 2006; and

WHEREAS, the Board of Supervisors finds as follows:

1. The carry over of unused allotments allows accommodation of the ebb and flow of development in the county in response to market factors.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, based upon the evidence presented and findings herein, approves the carry over of 10% of the maximum allotment from the previous year to make those unused allotments available for distribution in the fiscal year 06-07, resulting in an additional 110 units county -wide with none of these available for the Nipomo Mesa Area or the community of Cambria.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors



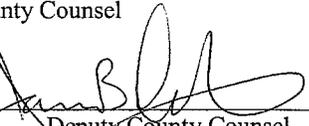
ATTEST

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

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ATTACHMENT 2

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

_____ day _____, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2006 -

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LAND USE ELEMENT (SOUTH COUNTY AREA PLAN), THE BUILDING AND CONSTRUCTION ORDINANCE, TITLE 19 OF THE COUNTY CODE, THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY AND THE GROWTH MANAGEMENT ORDINANCE, TITLE 26 OF THE COUNTY CODE AND TO ADOPT ORDINANCES ENTITLED "AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.20.240 RELATING TO WATER CONSERVATION ON THE NIPOMO MESA", "AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTION 22.112.020 RELATING TO THE NIPOMO MESA WATER CONSERVATION AREA", "AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE" AND "AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE SAN LUIS OBISPO COUNTY LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE" AND TO APPROVE 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 Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

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

WHEREAS, the Planning Commission of the County of San Luis Obispo after a noticed public hearing did recommend amendments to the Land Use Element, Building and Construction Ordinance - Title 19 and the Land Use Ordinance-Title 22 of the County Code, adopted resolutions 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-third day of May, 2006, that the County General Plan, Land Use Element, the Building and Construction Ordinance - Title 19, the Land Use Ordinance - Title 22 of the County Code, and the Growth Management Ordinance - Title 26 be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element, South County Area Plan, as such amendment appears on Exhibit LRP2005-00006:B, 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.]
2. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by Amending Section 19.20.240 Relating to Water Conservation on the Nipomo Mesa" as set forth in Exhibit LRP2005-00006: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.]
3. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.112.020 Relating to the Nipomo Mesa Water Conservation Area" as set forth in Exhibit LRP2005-00006:A 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.]

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4. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance" as set forth in Exhibit LRP2005-00011:A 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.]

5. Adopt, enact and instruct the Chairman 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" 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.]

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

1. Regarding the amendment that was processed on the basis of a Categorical Exemption, the project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

2. Regarding the amendment that was processed on the basis of the previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, it has been determined that the previously certificate FEIR and the Addendum are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

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 _____, 2006, except for Ordinance _____, which will become effective on July 1, 2006.

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.

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

ATTEST

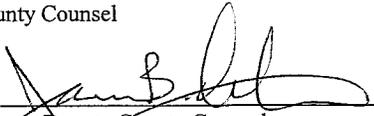
County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

[SEAL]

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APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

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EXHIBIT LRP2005-00006:B

1. **Modify Chapter 3, South County Area Plan, Page 3-11, Service Programs by adding Program 6, Supplemental Water Development Fee, and renumbering subsequent programs, as follows:**

F. PLANNING AREA SERVICE PROGRAMS

Programs are non-mandatory actions or policies recommended by the Land Use Element to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the community, through the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following public facilities, services and resource programs apply to the South County planning area and are grouped under general headings.

Special Districts

1. **Nipomo Community Services District (NCSD).** The Nipomo Community Services District should assume drainage control, fire protection, parks and recreation, street lighting and street tree maintenance to its responsibilities to provide more comprehensive urban services.
2. **County Service Area (CSA) No. 1.** CSA No. 1 should detach areas that receive sewer service from the NCSD, transferring them to the district, and the NCSD should assume responsibility for providing street lighting and storm drainage in those areas.
3. **Multi-Purpose Special District, Hutton Road Area.** LAFCo should work with area property owners to establish a multi-purpose district to supply water and provide septic tank maintenance service in the area of small non-conforming lots.
4. **Cemetery District.** The community should work with the Arroyo Grande Cemetery District to locate and develop a local cemetery, or it should seek to divide and create a south county cemetery district to create and manage a local site.

Water Resources

5. **Water Source Augmentation.** Water providing agencies should work towards programs to provide additional water for the planning area. Any use of the offshore aquifer should be accompanied by a contingency plan for preventing or correcting seawater intrusion.
6. Supplemental Water Development Fee. The Planning Department, in coordination with the Public Works Department and the Nipomo Community Services District, should determine the amount of a fee, as soon as possible, to be paid by new development resulting from land divisions that would increase non-agricultural water demand within the Nipomo Mesa Water Conservation Area or development of existing lots of record that are located outside of any water company service

area or water district service area where such development is not otherwise contributing to the development of supplemental water. Determination of the fee and adoption of an ordinance requiring payment of the fee should be consistent with the requirements of AB 1600.

- 6 7. Water Conservation.** The Public Works Department, with assistance from the Planning Department and local water purveyors, should establish a public education program on water conservation and water-conserving landscaping.
- 7 8. Groundwater Management.** South County water purveyors, cities, agencies, and individual users are encourage to work toward management of the groundwater resource. Agreements and funding should be sought by these entities to prepare an a groundwater study that will assist in identifying the appropriate management strategies.

A comprehensive study of the Santa Maria groundwater basin to be used for future planning purposes should identify the historical and potential impacts to the basin.

Water Systems

- 8 9. Water Service Plan.** Within the Nipomo urban area, the Nipomo Community Services District and Cal-Cities Water should prepare a water resource capacity study and water service plan for distribution of water to all properties within the urban reserve line.
- 9 10. Private Water Company Boundary.** Cal-Cities water should relocate their service boundary in Nipomo to be outside the Nipomo Community Services District's sphere of influence.
- 10 11. Community Water Systems.** In the Palo Mesa and Los Berros village areas and the Port Hartford Eucalyptus Tract, the county should work with existing small water providers and property owners to establish a community water system in appropriate areas.
- 11 12. Water Service Plan Coordination.** The Planning Department should provide Land Use Element plan information to private water companies to coordinate future service expansions with county policies.

Sewage Disposal

- 12 13. Wastewater Management Plan.** The county should work with the Regional Water Quality Control Board and other agencies to prepare a Wastewater Management Plan for portions of the Nipomo urban area that utilize septic systems. The plan should identify the cumulative impacts resulting from the continued use of on-site sewage disposal systems, determine the maximum population densities suitable for such areas and prescribe the appropriate minimum parcel sizes that will control ground water or surface water degradation.
- 13 14. Septic Systems Maintenance.** In areas intended to be served by septic tanks, the Planning and Health Departments should develop public information mailings and handouts about the proper care and maintenance of septic systems. The Nipomo Community Services District should establish and administer a septic system maintenance program in areas within its boundary not served by the community sewage system. (Amended 1986, Ord. 2270)

Drainage

- 14 15. Drainage Analysis.** The County Public Works and Planning Departments should work with the Nipomo Community Services District to prepare a communitywide drainage analysis for the Nipomo urban area to identify problem areas and recommend appropriate remedial action, including any necessary changes to the standards of the Land Use Element to implement measures to correct drainage problems.
- 15 16. Maintenance of Drainage Channels.** The County Public Works Department should work with the community of Nipomo, area property owners and the Nipomo Community Services District to establish an agency for maintenance of natural drainage ponds or channels for recharge to the groundwater basin. After establishment, the agency should develop a maintenance program designed to prevent significant reduction of ponding capacities while maintaining natural channels in as natural a state as possible.

Solid Waste Disposal

- 16 17. Refuse Collection.** The Planning, Health and Public Works Departments should coordinate to select an appropriate site and program for a rural container station on Nipomo Mesa.
- 17 18. Waste Collection - Nipomo and Village Areas.** A mandatory waste collection service should be investigated in the Nipomo urban area and the village areas that offers recycling and low-cost service for low-volume users for bulk items, green waste and hazardous products. The Department of Planning and Building and the Health Department should investigate the need to require evidence of a contract for private waste collection before the issuance of building permits in village areas.

Police Protection

- 18 19. Sheriff Patrols/Substation.** The community should consider funding additional Sheriff patrols in the South County as well as funding a new substation in the Nipomo area.

Fire Protection

- 19 20. Urban Fire Jurisdiction.** The Nipomo Community Services District should assume responsibility for providing year-round urban fire protection services within the Nipomo Urban Reserve Line. A mutual aid agreement with the County Fire Department (CDF) should be reached for serving areas outside of the district also.
- 20 21. Social Services Planning.** The county Planning and General Services Departments should work with social service agencies to coordinate, plan and schedule the development of social services in Nipomo.
- 21 22. Government Services/Public Service Centers.** The Planning and General Service Departments should prepare a facility needs study of the specific, desirable public services, and their space requirements, that can be scheduled for locating in the identified government facilities locations, as part of the county capital improvement program.

Schools

- ~~22~~ 23. **School Facility Expansion.** The Planning Department should work with the Lucia Mar Unified School District to coordinate plans for siting and funding additional schools. The county staff's role as to funding has been described in the Schools section.
- ~~23~~ 24. **School Facility Siting** - The General Services and Planning Departments should work with the Lucia Mar Unified School District to complete a study and environmental determination by 1998 of the appropriate location for a high school.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.20.240 RELATING TO WATER CONSERVATION ON THE NIPOMO MESA

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

SECTION 1: Section 19.20.240 of the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended as follows:

19.20.240 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria:
 - (1) A bathroom is added;
 - (2) The floor area is increased by twenty per cent (20%) or more.
- c. **Other requirements:**
 - (1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
 - (2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of fifty percent (50%) of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.
 - (3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

d. **Nipomo Mesa Water Conservation Area.** In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) below shall apply to all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1.

(1) Sink faucets in all bathrooms and kitchens shall be equipped with automatic shut-off devices.

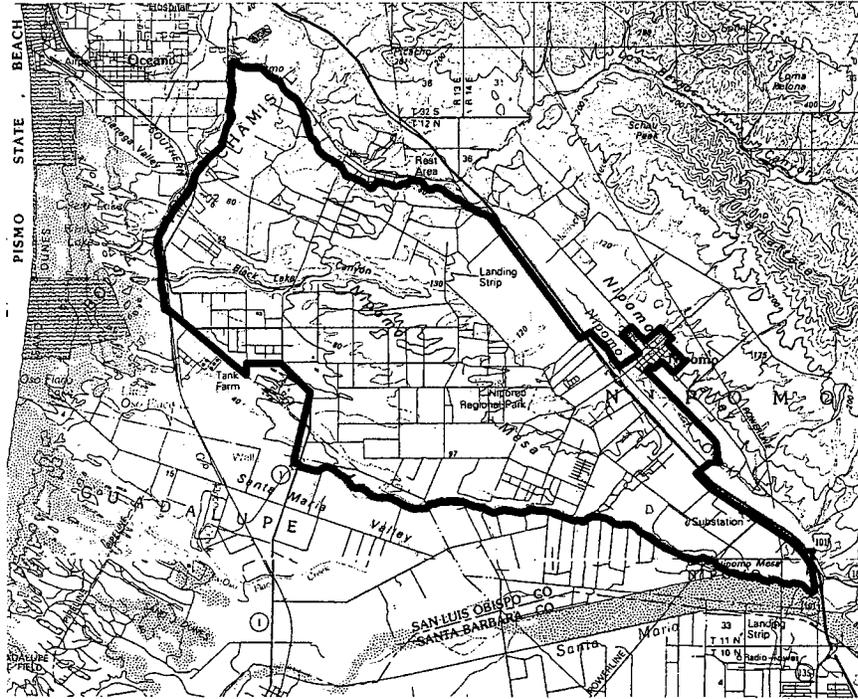


Figure 20-1 Nipomo Mesa Water Conservation Area

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

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: 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, 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.

Handwritten signature or initials in the bottom right corner of the page.

INTRODUCED at a regular meeting of the Board of Supervisors held on the ninth day of May, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

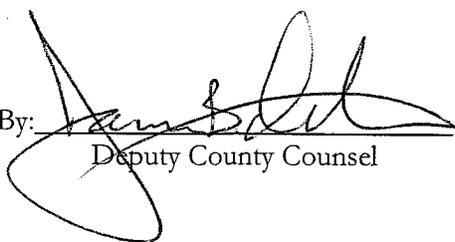
ATTEST:

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:

JAMES B. LINDHOLM, JR.
County Counsel

By: 

Deputy County Counsel

Dated: MAY 11, 2006

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.112.020 RELATING TO THE
NIPOMO MESA WATER CONSERVATION AREA

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

SECTION 1. Section 22.112.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection E to read as follows and renumbering all figures as necessary:

22.112.020 – Areawide Standards

E. Nipomo Mesa Water Conservation Area. The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 112-4.

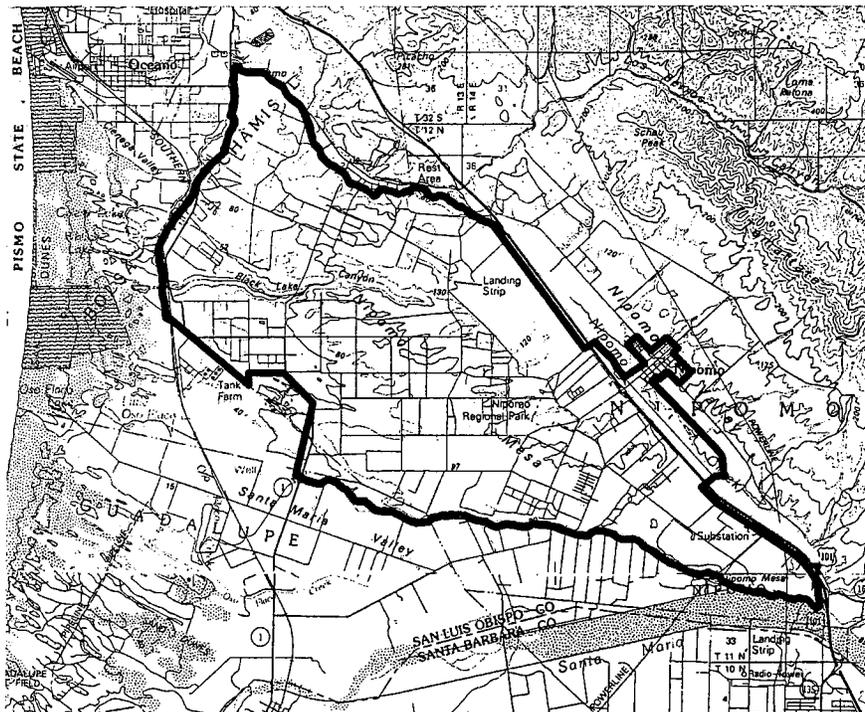


Figure 112-4 - Nipomo Mesa Water Conservation Area

- 1. General Plan Amendments and land divisions.** Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds

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the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

- a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
 - b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area. Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
- a. **Public projects.** Projects completed by a public agency that require a land use permit.
 - b. **New non-residential projects.** All new projects within the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
 - c. **Developer-installed.**
 - (1) All developer-installed landscaping in all Residential land use categories within urban or village areas.
 - (2) All developer-installed landscaping in all land use categories outside of urban or village areas where the parcel is 5.0 acres or less.
 - d. **Homeowner-installed.** All homeowner-installed landscaping for any project for which a land use permit is required.
 - e. **Drip irrigation.** Drip irrigation systems are required for all landscaped areas (except turf areas). The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

- f. **Turf area limits:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.20.240.d.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

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. 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, 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 and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

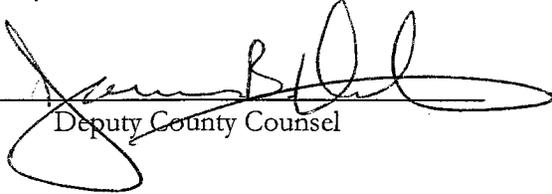
ATTEST:

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:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

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

SECTION 1: Section 26.01.034b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Proposed new dwelling units which will be affordable housing for persons and families of low or moderate income as defined by California Health and Safety Code Section 50093, with long-term affordability guaranteed for a period of 30 years as provided by Section 22.12.070 of the Land Use Ordinance and Section 23.04.094 of the Coastal Zone Land Use Ordinance.

SECTION 2: Section 26.01.050b(7) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (7) **Planned Development:** A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as mixed use or cluster divisions within urban or village reserve lines under the provisions of Titles 22 or 23 of the County Code, approved through a Development Plan or Conditional Use Permit, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors.

SECTION 3: Section 26.01.070a(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (1) **Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2006 through June 30, 2007, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 2005, resulting in the potential for a Maximum Annual Allocation of 127 new residences in the Nipomo Mesa area for the period from July 1, 2006 through June 30, 2007. In addition to the 1.8 percent annual allotment, up to 35 additional units shall be made available from previous years' unused allotments in the Nipomo Mesa area for the period from July 1, 2006 to June 30, 2007 to projects on the waiting list located within urban or village reserve lines that have received intent-to-serve letters from the applicable water district and are either:

- (a) Projects that are located within and meet the standards of the Olde Towne Nipomo Design Plan and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or
- (b) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 4: Section 26.01.070c(1)(a) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (a) **Category 1:** Thirty-five (35) percent of the Maximum Annual Allotment shall be reserved for developers or multi-family dwellings and dwelling units in phased projects approved as Planned Developments or through adoption of a Specific Plan. No single applicant shall be eligible in any one year for more than five (5) percent of the Maximum Annual Allotment. Dwelling units to be developed in such projects may be carried over for one year upon written request of the applicant within the 180 days specified in subsection "g" of this section. If there are not enough applications for dwelling units to use up the 35% reservation in this category, those unused allotments shall be made available in Category 2.

SECTION 5: Section 26.01.070c(1)(b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Category 2:** The remaining Sixty-five (65) percent of the Maximum Annual Allotment shall be available for all other applicants for new dwelling units. However, no single applicant shall receive more than five (5) percent of the annual allocations and/or allotments. If there are not enough applications for dwelling units in Category 2 in the fiscal year allotment, those unused allotments shall be available for use in Category 1.

SECTION 6: Section 26.01.070d of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Filing of Requests for Allotment.** Applicants interested in building new dwelling units will file a Request for Allotment with the Department of Planning and building on a form provided by the department to allow the department to track the category of allotment. A complete application for the construction permits and full building plans are required at this time in addition to having completed any required discretionary permit review. If the application is determined to be incomplete by the Department of Planning and Building, the construction permit application will be rejected and no selection under the Growth Management ordinance will be made.

SECTION 7: Section 26.01.070d(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby deleted.

SECTION 8: Section 26.01.070e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Filing of Requests for Allocation.** Applicants eligible to file a Request for Allocation are allowed an exception to the requirement that a complete application be submitted as follows:

- (1) For a vested map that was filed and accepted for processing prior to May 20, 2003, can a Request for Allocation can be selected for submittal as provided in the ordinance that was in place at the time of acceptance of the vesting map for processing.
- (2) For parcels located within communities with waiting lists as provided in sections h and i, or for any area where a waiting list of more than 18 months exists.

SECTION 9: Section 26.01.070f of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

f. Limit on number of allotment and allocation requests: A total of two requests for Allocation or Allotment will be accepted for any single legally-created parcel per year. An applicant may file a request for Allocations or Allotments for a maximum number of dwelling units not to exceed the following percentages of the total annual allocation/allotment for the respective areas:

- (1) 5% in the countywide area,
- (2) 10% in the Nipomo Mesa Area, or
- (3) 20% of the total annual allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following:
 - (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) and are located within, and meet the standards of the Olde Towne Nipomo Design Plan; or
 - (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or
 - (iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 10: Section 26.01.070h(1)(a)(i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) **Allocation for the years July 1, 2006 through June 30, 2009.** Based on the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, the Maximum Annual Allocation shall be set at 0% per fiscal year for the period from July 1, 2006 through June 30, 2009, resulting in no new allocation or allotment requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2006 through June 30, 2009.

SECTION 11: Section 26.01.072a of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- a. **Transfer of allocations.** Dwelling units will be allocated through the process described in sections 26.01.070 of this title to specific parcels, except that allocations may be transferred within the Cambria Community Services District as described in section 26.01.070h(1)(a)(iii), or on other properties in the unincorporated county where approved as part of a county Transfer of Development Credits (TDC) program.

SECTION 12: Section 26.01.072b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. **Expiration of allocations.** After receiving a dwelling unit allocation as provided by this title, the applicant must file a complete construction permit application along with any required land use permit application within the number of days of the date of notice of an allocation as provided in section 26.01.070g, plus any requested time extension for such filing.

SECTION 13: Section 26.01.072e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Reallocation of expired units.** Where any applicant withdraws his application, or where such application has been deemed expired pursuant to the provisions of this title, that unused allocation shall become available for use within the current Maximum Annual Allocation as if it were a new Request for Allocation, subject to all provisions of this title. Where the allocation is located within a community subject to a waiting list as described in Section 26.01.070h, the allocation shall be made available within that community subject to the ordinance or administrative procedures adopted by the service provider within that community.

SECTION 14. The previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

SECTION 15. 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.

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SECTION 16: 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, 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 sixteenth day of May, 2006, and 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:

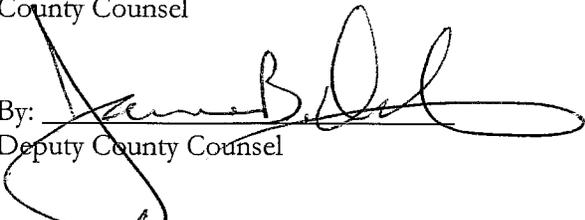
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

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:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

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ORDINANCE NO.

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE
SAN LUIS OBISPO COUNTY LAND USE ORDINANCE,
TITLE 22 OF THE COUNTY CODE,

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

SECTION 1: The amendments to the text of Parts I and II of the Land Use Element of the San Luis Obispo County General Plan and the amendments to the official Land Use Element maps adopted by Board of Supervisors Resolution No. 2006 - _____ are hereby adopted and included as part of this ordinance and Section 22.01.030 of the Land Use Ordinance as though they were fully set forth herein.

SECTION 2: If any section, subsection, sentence, clause, or phrase 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 the constitutionality of remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one of more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

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

Handwritten signature and number 28

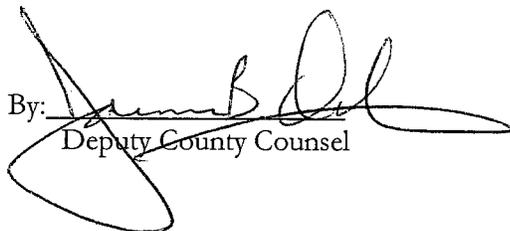
ATTEST:

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:

JAMES B. LINDHOLM, JR., County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

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