

ORDINANCE NO. 3332

AN ORDINANCE AMENDING TITLE 18 OF THE SAN LUIS OBISPO COUNTY CODE,
THE PUBLIC FACILITY FEE ORDINANCE, SECTION 18.03.020

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

SECTION 1: Section 18.03.020 of the Public Facility Fee Ordinance, Title 18 of the San Luis Obispo County Code, is hereby amended as follows:

18.03.020 - Exemptions.

Imposition of public facilities fees shall be as specified in Section 18.03.010, except the following types of development projects shall be exempt from such fees:

- (1) Remodels, additions, or alterations to existing residences, except to the extent that additional units are created. If any additional residence is created by the addition or remodel project, then the facilities fees shall apply. In addition, when the remodel, addition or alteration will result in additional square footage for residential purposes, the project will be required to pay the fire component of the public facility fee for the additional square footage. The decision as to what constitutes an addition or remodel shall be made by the planning director.
- (2) The alteration of a specific nonresidential structure that existed or had an issued building permit prior to the effective date of the facilities fees, December 16, 1991, unless the alteration changes the use of the structure to a different type of development category for purposes of calculating the facilities fee, or unless the square footage of the building is increased. Where the project is determined to require the payment of the fees, the fee shall be imposed on the total square footage requiring the payment of the facility fee.
- (3) Residential accessory structures, including garages, carports and other residential accessory structures as defined in Title 22, Land Use, and Title 23, Coastal Zone Land Use.
- (4) An agricultural building that is designed and constructed to house farm implements, hay, grain, poultry or livestock; or that is not a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; or is not a place used for public assembly when accessory to a farm residential structure housing the farm operator.
- (5) Buildings whose primary use is for nonprofit civic or religious and public assembly purposes, such as churches, nonprofit civic and fraternal organizations, service clubs, and buildings constructed by a public agency other than the county where there is no entry fee required for attendance at the events occurring in the building, except that projects developed by public and private utility companies are subject to the payment of public facilities fee in accordance with this title.
- (6) The reconstruction of any development project that is damaged or destroyed.
- (7) Moved buildings shall be subject to the following:

- a. When the donor site for the building proposed to be moved is located in the unincorporated county, the donor site shall be given a credit for the building that is to be moved off the site. The credit amount shall be equal to the amount of the public facilities fees specified in the current facilities fees ordinance as adopted by the board of supervisors for the particular type of building at the time of issuance of a moved building permit. The credit amount shall run with the donor site and shall remain in effect until such future date as a building permit is applied for on the donor site. The credit amount shall then be applied towards the payment of any public facilities fees that may be due and payable at the time of issuance of the building permit for the new structure on the donor site.
 - b. When the receiver for a moved building is located in the unincorporated county, the receiver site shall be charged the required public facilities fees in accordance with the current facilities fees ordinance as adopted by the board of supervisors for the type of building that is being moved onto the receiver site. The required fees shall be collected prior to the issuance of the building permit to establish the moved building on the receiver site.
- (8) Development projects to be constructed on any county-owned property or at any county-owned facility, where projects are developed by a private developer pursuant to a contract with the county where all of the following criteria are met:
- a. The development project will result in a public facility which is consistent with an adopted master plan for the property or facility;
 - b. The development project will result in public facilities which will be constructed on county-owned land by a developer under contract with the county to construct the facilities; and
 - c. If any use of the public facilities is granted to the developer by the contract, that the contract shall also provide that, at the conclusion of the specified period of use of the public facilities by the developer, any and all rights of the developer in and to the public facilities shall cease and the public facilities shall become the sole property of the county.
- (9) Development projects for which a land use or construction permit is being sought in order to remedy an identified land use violation, where the applicant can provide documentation to the satisfaction of the planning director that the following criteria can be met:
- a. The use for which the development permit is being sought must have been established prior to the adoption of this title;
 - b. The use for which the development permit is now being sought was a permissible use at the time it was illegally established; and
 - c. The property owner seeking the development permit to remedy the land use violation is a subsequent owner of the property that is in violation and acquired the property prior to February 2, 1999, not the original owner that illegally established the use.

This subsection (9) shall be in force and effect for a period of one year unless extended by adoption of a subsequent ordinance by the board of supervisors.

~~(10) Development projects located within the boundaries of the Santa Margarita fire protection district, the Oceano community services district or the Los Osos community services district shall be exempt from that portion of public facilities fees that is imposed in order to provide firefighting and emergency response services as calculated by the director of planning and building.~~

SECTION 2. This item is not considered a project and therefore the activity is not subject to CEQA.

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 thirty (30) days from the date of passage thereof. Before the expiration of fifteen (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 9th day of August, 2016, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 13th day of September, 2016, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Frank R. Mecham, Adam Hill, Debbie Arnold, and
Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None

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

ATTEST:

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

By: Annette Ramirez
Deputy Clerk