

LRP2020-00006

ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO
COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE,
TO ESTABLISH A GROWTH RATE FOR THE LOS OSOS URBAN AREA

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

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

26.01.034 - Exemptions.

- (7) Conversion of existing commercial structures to residential use within the Los Osos Urban Area as allowed by Section 23.08.162(b) of the Coastal Land Use Ordinance.
- (8) All development applications in the Los Osos urban area received (pursuant to land use permits or entitlements) prior to the effective date of amendments to this ordinance establishing a 0% growth rate for the Los Osos urban area until the Board of Supervisors adopts a resolution certifying that the Phase 1 programs required by the 2015 Updated Basin Plan for the Los Osos Groundwater Basin Plan are complete.

SECTION 2: Section 26.01.070 of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

26.01.070 - General procedures.

This section describes general procedures for determining the number of dwelling unit construction permit applications processed by the department of planning and building, how the annual allotment is to be conducted, what information must be included with an application submitted for processing under the provisions of this title, and the time limits for processing applications for new dwelling units to be permitted under this title.

- (1) **Maximum Number of New Dwelling Units Allowed.** The maximum annual allocation shall be limited to an amount sufficient to accommodate an increase of 2.3% per fiscal year in the number of dwelling units, unless otherwise specified in subsections (8), (9), (10) or (11) of this section. The number of new dwelling units to be allowed shall be based on the number of existing county unincorporated housing units.

(2) Annual Review of Growth Management Program. The board of supervisors shall hold a public hearing to consider the resource summary report (RSR) of the resource management system (RMS) as described in framework for planning of the general plan. The resource summary report (RSR) is prepared biennially or as otherwise directed by the board of supervisors. The water supply sections of the RSR shall include information from the annual monitoring reports prepared for Basin Management Plans (e.g., Nipomo Mesa and Los Osos) and Groundwater Sustainability Plans (e.g., Paso Robles). Following the review of the ~~RMS~~RSR, the board shall evaluate the proposed growth rates for the ensuing fiscal year in light of the availability of resources and services necessary to accommodate new development and may initiate proceedings to amend this title to modify the annual growth rate based on the evaluation of the ~~RSRMS~~ data. For those intermittent years in which the ~~resource summary report~~RSR is not prepared, the board shall evaluate the proposed growth rates in light of the most recently board of supervisors' approved ~~resource summary report~~RSR

(10) Maximum Number of New Dwelling Units Allowed in the Los Osos Urban Area. The annual growth rate for new dwelling units in the Los Osos Urban Area shall be 0%, with the exception of the dwelling units exempt from this ordinance, until the Board of Supervisors adopts a resolution certifying that the following programs required by the 2015 Updated Basin Plan for the Los Osos Groundwater Basin Plan are complete, accounting for program modifications made through the Plan's adaptive management provision:

- Program "M" – Groundwater Monitoring
- Program "E" – Urban Water Use Efficiency
- Program "U" – Urban Water Reinvestment
- Program "A" – Infrastructure Program A
- Program "C" – Infrastructure Program C
- Program "P" – Wellhead Protection

New allocation requests may be placed on the existing waitlist for the sewer service area or a new waitlist for outside the sewer service area.

For the five fiscal years following the resolution adoption date, the annual maximum number of new dwelling units in the Los Osos Urban Area shall not exceed a 1.3 percent increase in the number of existing dwelling units in the Urban Area, distributed as follows.

- a. Outside the Sewer Service Area. The annual growth rate for new dwelling units in the urban area outside the sewer service area (see Figure 3 below)

shall not exceed a 0.17 percent increase in the number of existing dwelling units in the entire urban area from the previous fiscal year. If the annual allocation of allowed new dwelling units is reached, a request for allocation may be submitted to be placed on a waitlist in the order it is received. Unused allocations outside the sewer service area may be used within the sewer service area if the sewer service area annual allocation is exceeded.

- b. Within the Sewer Service Area. The annual growth rate for new dwelling units within the sewer service area shall not exceed a 1.14 percent increase in the number of existing dwelling units in the entire urban area from the previous fiscal year, reserving a 0.46 percent increase in existing units for multi-family units and a 0.68 percent increase in existing units for single family units. If the annual allocation of allowed new dwelling units is reached, a request for allocation may be submitted to be placed on the existing waitlist in the order it is received. Unused allocations within the sewer service area may be used outside the sewer service area.

There is currently a waiting list for vacant parcels within the sewer service area. See Section 11.b. below.

(110) —Communities with Existing Waiting Lists. The following ~~communities areas~~ have waiting lists for development. ~~Those waiting lists are administered by the specified community service provider(s) and the issuance of allocations by the county shall be in accordance with the provisions of the local waiting lists, as specified below.~~

- b.(11) ~~Los Osos Prohibition Sewer Service Area. The Los Osos Water Recycling Facility cannot serve vacant parcels within its service area (Figure 3) until the Los Osos Community Plan and Community-Wide Habitat Conservation Plan are adopted to meet the conditions of its Coastal Development Permit. A portion of the unincorporated community of Los Osos is presently unable to have construction permits issued for new dwelling units because of a sewage disposal prohibition imposed by the California Regional Water Quality Control Board, Central Coast Region. On September 8, 1999, the regional board adopted criteria by which exemptions to the prohibition might be granted. Parcels within the Bayview Heights and Martin Tract areas (Figure 3) may use septic systems and are subject to the growth rate for new dwelling units outside the sewer service area. of Los Osos, a copy of which is on file with the director of the department of planning and building.~~

~~In the areas where the development prohibition is imposed, a request for allocation may be filed and land use permits and construction permits for new dwelling units may be processed as specified below. for vacant parcels within the sewer service area to be placed on a waiting list to apply for construction~~

permits for new dwelling units. When the Los Osos Water Recycling Facility can serve vacant parcels within its service area, the existing waitlist shall be notified as described below. Construction permit applications for new dwelling units for vacant parcels not on the waitlist will not be accepted until all of the properties on the waitlist have been notified and have an opportunity to submit a permit application or to defer.

1a. Notice of Authorization to File Construction Permit Applications to Persons on Existing Waiting List. Those persons who have filed requests for allocation and are on the existing waiting list for Los Osos will be notified that they can proceed to file construction permit applications and accompanying land use permit applications where necessary, in accordance with the time frames specified in subsection (5) of this section.

i1. —Request to Defer Filing of Application. Those persons receiving the notice —described in subsection (10)a. above may notify the department within the time frames specified in subsection (5) of this section that they do not wish to proceed at this time and request that their allocation be deferred until a future date.

ii2. —Activation of Deferred Allocations. The applicant may notify the department at some future date that they wish to proceed with the filing of a development application. As long as there are unused allocations within the current maximum annual allocation established by the board of supervisors, the department will issue a letter of authorization to proceed in accordance with the subsection (5) of this section.

iii3. —Expiration of Deferred Allocations. All deferred allocations will be retained on the waiting list for Los Osos through June 30, 204021, at which time all unused allocations will be considered expired.

~~b. Processing of Applications. The department will process all applications for land use and construction permits; however, no permits will be issued until the applicant provides verification to the department that an exemption to the area wide prohibition has been granted by the Regional Water Quality Control Board in accordance with the criteria adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 8, 1999, or as subsequently amended.~~

2e. —New Requests for Allocation Within the Prohibitions-Sewer Service Area. All requests for allocation will be accepted in accordance with subsections (4) and (5) above and added to the countywide list of requests for allocation.

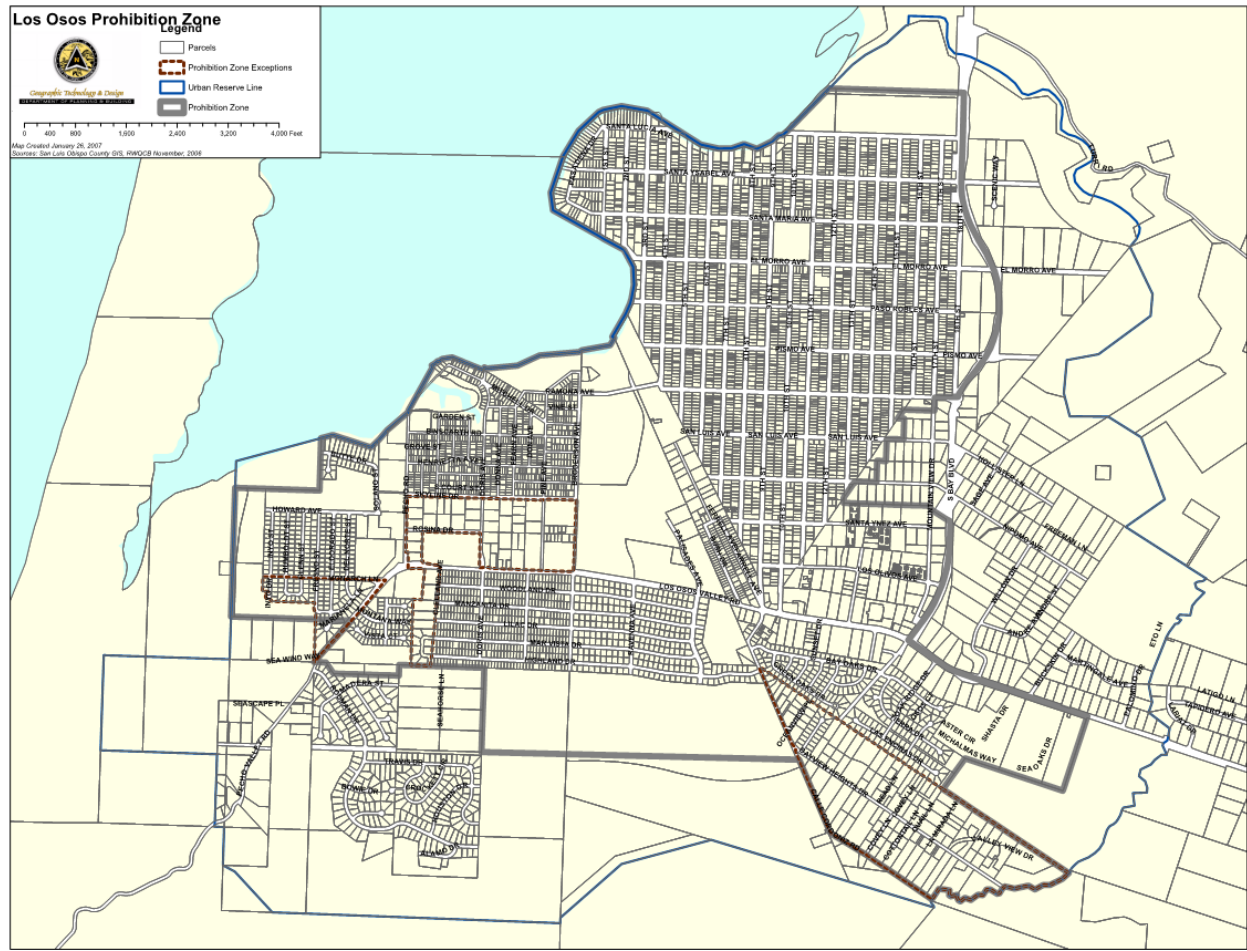


Figure 3. Los Osos Sewer Service Area

SECTION 3: That the activity is covered by a general rule exemption (State CEQA Guidelines Section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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 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 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.

TO BE INTRODUCED at a regular meeting of the Board of Supervisors and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, after the California Coastal Commission certifies adoption of the updated Los Osos Community Plan, by a roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____