

ARTICLE IV. SCHOOL FACILITIES DEDICATION¹

Sec. 6.3-60. Authority

This article is enacted pursuant to Government Code section 65970 et seq.

(Ord. No. 1026, § 2; Ord. No. 1103, §3; Ord. No. 1473, §1)

Sec. 6.3-61. Definitions

(a) Affected district. A school district exercising jurisdiction within the county which has notified the board of supervisors of the existence of conditions of overcrowding pursuant to section 6-33.

(b) Applicant. A person, corporation, organization, or entity applying for the approval of an ordinance rezoning property to a residential use, a use permit or other discretionary permit for residential use, or the approval of a tentative subdivision map for residential purposes.

(c) Attendance area. The attendance area for a school within an affected school district.

(d) Bedroom. A room with a dwelling unit other than a living room adjacent to the main entry, a dining room adjacent to the kitchen, a family room adjacent to a kitchen or dining room, a kitchen, halls, dining rooms, closets, and bathrooms.

(e) Conditions of overcrowding. Reasonable methods for mitigating conditions of overcrowding, and residential development have the meanings set forth in Government Code ' 65973.

(f) Discretionary permit for residential use. Includes a zoning-building permit issued pursuant to chapter 28 of this Code.

(g) Dwelling unit. A house, apartment or condominium unit, mobile home, or other unit of residential development.

(Ord. No. 1026, §2; Ord. No. 1103, §3; Ord. No. 1473, §1)

Sec. 6.3-62. Determination of overcrowding

A school district with jurisdiction in the unincorporated county may make a finding, supported by clear and convincing evidence, that:

(a) Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs, including the reason for the existence of such conditions of overcrowding; and

¹For prior history, see Ordinance No. 976.

(b) That all reasonable methods of mitigating the conditions of overcrowding have been evaluated, but that no feasible methods for reducing such conditions exist.

(Ord. No. 1026, §2; Ord. No. 1103, §3; Ord. No. 1473, §1)

Sec. 6.3-63. Notification of city

A school district making the findings set forth in section 6-32 may notify the board of supervisors of such findings by filing a copy thereof with the county clerk, together with a specification of the mitigation measures considered by the district.

(Ord. No. 1026, § 2; Ord. No. 1103, § 3.)

Sec. 6.3-64. Foundation--bolted to plates or sills

Wood plates or sills shall be bolted to the foundation or foundation wall. Steel bolts with a minimum nominal diameter of 5/8 inch shall be used.

(Ord. No. 1581; §7.)

Sec. 6.3-65. Hearing by board of supervisors

Following such filing pursuant to section 6-33, the board of supervisors may, in its discretion, concur in or disapprove the findings as set forth in section 6-32. A noticed public hearing shall be conducted by the board of supervisors on the matter prior to such concurrence or disapproval.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-66. Effect of concurrence

If the board of supervisors concurs with the findings set forth in section 6-32, neither the county nor any of its planning or zoning agencies or officers shall approve an ordinance rezoning property to a residential use, grant a use permit or other discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, except as provided in section 6-36 through 6-39 of this article.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-67. Approval based upon overriding factors

Notwithstanding section 6-35, an ordinance rezoning property to a residential use, a grant of a use permit or other discretionary permit for residential use, or an approval of a tentative subdivision map for residential purposes may be approved or granted if the board of supervisors determines that there exist specific overriding fiscal, economic, social or environmental factors which would benefit the county and which justify such approval or grant.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-68. Approval based on dedication of land or payment of fees

Notwithstanding section 6-35, an ordinance rezoning property to a residential use, a grant of a use permit or other discretionary permit for a residential use, or an approval of a tentative subdivision map for residential purposes may be approved or granted if the applicant for the rezoning ordinance, use or other discretionary permit, or tentative subdivision map approval has complied with, or has entered into binding agreements or furnished other suitable guarantees or security which will ensure compliance with the provisions of section 6-38 or 6-39.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-69. Payment of fees

A fee shall be paid to the affected school district for each dwelling unit to be constructed by reason of an ordinance rezoning property to residential use, a grant of a discretionary permit for residential use, or an approval of a tentative subdivision map for residential purposes. The amount of the fee shall be set by agreement between the affected school district and the applicant, shall not exceed in total amount the total fees calculated by use of the table of fees set forth in this section, shall bear a reasonable relationship to and shall be limited to the needs of the community for interim elementary or high school facilities, and shall be reasonably related and limited to the need for schools caused by the development. In the event the affected school district and the applicant do not reach agreement as to the amount of the fee, the amount of the fee shall be determined in accordance with the following table:

<u>Number of bedrooms in dwelling unit</u>	<u>Fee</u>
1	\$ 0
2	400
3	600
4	800
5 or more	900

If the payment of fees is required pursuant to this section, such payment shall be made at or immediately prior to the time the building permit is issued to an applicant.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-70. Dedication of land

In lieu of payment of fees as set forth in section 6-38, an applicant may propose a dedication of land to the affected school district. The board of supervisors may approve of such dedication, on a case by case basis, provided that the proposed dedication is reasonably related to the needs of the affected school district and is of a value equal to or in excess of the amount of the fees which would otherwise be required under section 6-38. The value of the proposed dedication shall be determined by the board of supervisors, based on the fair market value of the land prior to the approval or grant of

the ordinance rezoning the property to a residential use, the use permit or other discretionary permit for a residential use, or the tentative subdivision map for residential purposes.

(Ord. No. 1026, §2; Ord. No. 1057, §1; Ord. No. 1103, §3; Ord. No. 1473, §1)

Sec. 6.3-71. Consistency with general plan

The approval provided for in section 6-37 may be made only if the board of supervisors finds that the facilities to be constructed by the affected school district with the fees required by section 6-38 or the land donated pursuant to section 6-39, or both, are consistent with the general plan of the county.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-72. School district reports

(a) Following the decision of the board of supervisors to require the payment of fees or the dedication of land pursuant to sections 6-30838 or 6-30939, the governing board of the school district shall submit a schedule specifying how it will use the fees or land, or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be available. In the event that the school district cannot meet the schedule, it shall submit an appropriate amendment to the board of supervisors, to include the reasons for the amendment.

(b) Any school district receiving funds pursuant to this article shall maintain a separate account for any fees so received and shall file a report with the board of supervisors on the balance in the account at the end of each fiscal year. The report shall state the facilities leased, purchased, or constructed during the fiscal year covered by the report, and shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding no longer exist. Such report shall be filed by August 1st of each year.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)

Sec. 6.3-73. Correction of overcrowded conditions

A report submitted by a school district pursuant to section 6-41(b) that conditions of overcrowding no longer exist within the district shall constitute a withdrawal of the notification of overcrowding submitted by the district pursuant to section 6-02.

(Ord. No. 1026, §2; Ord. No. 1103, §3.)