ORDINANCE NO. 1026
ORDINANCE CONCERNING SCHOOL
FACILITY DEDICATIONS
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The Board of Supervisors of the County of Solano does
ordain as follows:

SECTION I.
Article III of Chapter 6 of the Solano County Code
is repealed.

SECTION II.
Article III is added to Chapter 6 of the Solano County
Code to read as follows:

Section 6-100. Authority
This Article is enacted pursuant to Government
Code Section 65970, et. seq.

Section 6-101. Definitions
"Bedroom" means 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.

"Dwelling Unit" means a house, apartment or
condominium unit, mobile home, or other unit of residential
development.

"Applicant" means a person, corporation, organi-
zation, or entity applying for the approval of an ordinance
re zoning 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.

"Affected District" means a school district
exercising jurisdiction within the County of Solano which
has notified the Board of Supervisors of the existence of conditions of overcrowding pursuant to Section 6-103.

"Discretionary Permit for Residential Use" includes a zoning - building permit issued pursuant to Chapter 28 of this Code.

"Attendance Area" means the attendance area for a school within an affected school district.


Section 6-102. Determination of Overcrowding

A school district with jurisdiction in the unincorporated County of Solano 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 (b) that all reasonable methods of mitigating said conditions of overcrowding have been evaluated, but that no feasible methods for reducing such conditions exists.

Section 6-103. Notification of City

A school district making the findings set forth in Section 6-102 may notify the Board of Supervisors of said findings by filing a copy thereof with the County Clerk, together with a specification of the mitigation measures considered by the district.
Section 6-104. Hearing by Board of Supervisors

Following such filing pursuant to Section 6-103, the Board of Supervisors may, in its discretion, concur in or disapprove the findings as set forth in Section 6-102. A noticed public hearing shall be conducted by the Board of Supervisors on the matter prior to such concurrence or disapproval.

Section 6-105. Effect of Concurrance

If the Board of Supervisors concurs with the findings set forth in Section 6-102, 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 Sections 6-106 through 6-109 of this Article.

Section 6-106. Approval Based upon Overriding Factors

Notwithstanding Section 6-105, 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.

Section 6-107. Approval Based on Dedication of Land or Payment of Fees

Notwithstanding Section 6-105, 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 6-108 or 6-109.

Section 6-108. 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 that 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:

<table>
<thead>
<tr>
<th>Number of bedrooms in dwelling unit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>400</td>
</tr>
<tr>
<td>3</td>
<td>600</td>
</tr>
<tr>
<td>4</td>
<td>800</td>
</tr>
<tr>
<td>5 or more</td>
<td>900</td>
</tr>
</tbody>
</table>
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.

Section 6-109. Dedication of Land

In lieu of payment of fees as set forth in Section 6-108, 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 6-108. 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.

Section 6-110. Consistency with General Plan

The approval provided for in Section 6-107 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 6-108 or the land donated pursuant to Section 6-109, or both, are consistent with the general plan of the County.

Section 6-111. 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 6-108 or 6-109, 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 sched­
ule shall include the school sites to be used, the class­
room 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 1 of each year.

Section 6-112. Correction of Overcrowded Conditions

A report submitted by a school district pursuant
to Section 6-111(b) that conditions of overcrowding no
longer exist within the district shall constitute a with­
drawal of the notification of overcrowding submitted by
the district pursuant to Section 6-103.

SECTION III.

This Ordinance shall be published once before the expiration
of FIFTEEN (15) DAYS after its final passage in the BENICIA
HERALD, a newspaper of general circulation, printed and
published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

THOMAS HANNIGAN, Chairman of the Solano County Board of Supervisors

NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of supervisors,

By Garland Durham, Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held on the 18 day of April, 1978.

On the motion of Supervisor Brann and the second of Supervisor Brazelton, this Ordinance was adopted at a regular meeting of said Board on the 30 day of May, 1978, by the following vote:

AYES: SUPERVISORS: ASERA, BRANN, BRAZELTON, SCOFIELD AND CHAIRMAN HANNIGAN

NOES: SUPERVISORS: NONE

ABSENT: SUPERVISORS: NONE

WITNESS my hand and the Seal of said Board this 30 day of May, 1978.

NEIL CRAWFORD, County Clerk

By Garland Durham, Deputy Clerk