ORDINANCE NO. 976

AN ORDINANCE REGULATING THE ISSUANCE OF BUILDING PERMITS IN ATTENDANCE AREAS OF OVERCROWDED SCHOOLS

The Board of Supervisors of the County of Solano does ordain as follows:

SECTION I.

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

ARTICLE III

Construction in Impacted School Areas

Section 6-100. Purpose.

The Board of Supervisors has determined that the protection of the health, safety and general welfare of the residents of the unincorporated area of the County requires that prior to the construction of any new residential facilities, there is assurance from school districts serving the area of new construction that adequate schools will be available to serve the residents of the area.

The Board recognizes that school districts have done their best to provide school facilities to expanding neighborhoods, but that there are areas of the County where new dwellings have proceeded at a rate that exceeds the school district's capability of providing neighborhood schools. The Board deems it necessary to provide relief for school districts by requiring that residential developers provide necessary and adequate relief to affected school districts to ensure adequate school facilities to serve new residential developments.

Section 6-101. Definitions.

"Attendance Area" means the attendance area of a school as determined by the governing board of the school district involved.
"Dwelling Unit" means a building or portion thereof, designed or used as a residence for one family. Mobilehomes outside of mobilehome parks are not dwelling units.

"Overcrowded School" means a school for which the area of adequate school construction of classroom and related space is less than 55 square feet (5.1 square metres) per pupil for pupils in kindergarten through grade six, or less than 75 square feet (7 square metres) per pupil for pupils in grades seven and eight, and 85 square feet (7.9 square metres) per pupils in grades nine through twelve.

Section 6-102. Application.

The provisions of this article shall prevail over the provisions of the Uniform Building Code adopted by reference in Sections 6-1 through 6-5 of this Code.

Section 6-103. Notification of Conditions of Overcrowding.

A school district operating one or more schools within attendance areas within the County of Solano may notify the Board of Supervisors, in writing, that conditions of overcrowding exists in one or more such attendance areas. Such notification shall remain in effect until withdrawn in writing by such school district.

Section 6-104. Designation of Overcrowded School.

Upon receipt of a Notification of Conditions of Overcrowding, the Board of Supervisors shall schedule and conduct a public hearing on the notification for the purpose of allowing interested parties to comment on the matter. Following such hearing, the Board of Supervisors, if it finds, based upon substantial evidence that conditions of overcrowding exists within one or more such attendance areas, may designate the school as an overcrowded school.
Section 6-105. Issuance of Building Permits.

No building permit for the construction of any dwelling
unit shall be issued in an attendance area of an overcrowded
school, except as provided in Section 6-106.

Section 6-106. Exceptions.

Notwithstanding Section 6-105, a building permit may be
issued if any of the following conditions exist:

(a) The developer or builder has entered into an
agreement with the school district for the provision of
classrooms and related facilities for the overcrowded
school.

(b) There exists a school or schools with the
affected school district which is not overcrowded within
two miles (3.22 kilometres) of the overcrowded school or
any portion of the attendance area thereof.

(c) That there exists specific overriding fiscal,
economic, social or environmental factors which, in the
judgment of the Board of Supervisors, would benefit the
community as a whole and justify the approval and issuance
of the building permit.

Section 6-107. Environmental Impact.

Conditions that may cause impacted and overcrowding of
schools shall be given environmental evaluation in all projects
referred to in Section 6-105.

SECTION II.

The additions to Chapter 6 of the Solano County Code made
by Section I of this Ordinance shall remain in effect only until
July 1, 1982, at which time, unless action has
been taken by this Board to extend their period of effectiveness,
they shall automatically be repealed without further action by
this Board.
SECTION III.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vacaville Reporter, 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 __________________________
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 26th day of April, 1977.

On the motion of Supervisor BRAZELTON and the second of Supervisor ASERA, this Ordinance was adopted at a regular meeting of said Board on the 26th day of April, 1977, by the following vote:

AYES: SUPERVISORS: ASERA, BRAZELTON and HANNIGAN

NOES: SUPERVISORS: BRANN

ABSENT: SUPERVISORS: SCOFIELD

WITNESS my hand and the Seal of said Board this 26th day of April, 1977.

NEIL CRAWFORD, County Clerk

By __________________________
Deputy Clerk