

Chapter 16.188

SCHOOL FACILITIES DEDICATION FOR NEW DEVELOPMENT

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16.188.010 Purpose.

The purpose of this Chapter is to ensure that new development which is to be approved is served by adequate school facilities. (Ord. 606, 1999)

16.188.020 Requirements for Approval.

In addition to meeting any other requirements specified by this Title for the approval of projects, the proposed residential development(s) or zone reclassification(s) for residential development shall not be approved unless the school district provides documentation to the Planning Commission or City Council showing that adequate school facilities can be made available concurrently with the need for such facilities and including the following

A. The school district has imposed all school mitigation fees pursuant to Government Code Section 65995 or any other provision of the Government Code pertaining to school facilities.

B. The school district has filed a current copy of its School Facilities Plan with the Planning Department;

C. Each school district's School Facilities Plan shall accurately document its existing facilities, provide future school facilities projections, both short and long term, and demonstrate the use of the current and projected revenues which are anticipated to meet those needs;

D. The School Facilities Plan shall also document the district's reasonable good faith efforts to seek all available funding, without substantial prejudice to the district's reasonable historical

education standards, and a current presentation regarding the prospects for seeking and/or obtaining funds in the reasonably foreseeable future; and

E. The school district shall file any and all Amended School Facilities Plans with the planning department within thirty (30) days after their adoption. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.188.030 Dedication of Land for Elementary Schools.

Any Subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school shall dedicate to the school district or districts, within which the subdivisions are located, such land as the City Council deems to be necessary for the purpose of constructing elementary schools as necessary to assure the residents of the subdivision adequate public school service.

This section is adopted according to Section 66478 of the State Government Code, and shall not be deemed to add any obligation or requirement not expressly set forth therein. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.188.040 Agreement with District.

Nothing contained within this Chapter shall be construed to prohibit the district from entering into of an agreement with the Subdivider that addresses the issue of acquisition or dedication of land. Dedication and acquisition as set out in this Ordinance shall be considered the minimum standard and no agreement shall provide for less than the standards and the amounts provided for in this Chapter. (Ord. 606, 1999)

16.188.050 Special Proceedings.

If any Subdivider is aggrieved by, or fails to agree to the reasonableness of requirements imposed according to this Chapter, the Subdivider may initiate special proceedings in Superior Court pursuant to Section 66499.37 of the Subdivision Map Act. (Ord. 606, 1999)