

## ORDINANCE NO. 3511

### AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO AND NKT DEVELOPMENT, LLC

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

**SECTION 1: Findings.** In addition to the findings set forth in the recitals, which are incorporated herein by this reference, the Board of Supervisors hereby finds based on all the evidence before it, as follows:

- a) The proposed Development Agreement attached hereto as Exhibit A is consistent with the General Plan and the Dana Reserve Specific Plan, as adopted on April 24, 2024; and
- b) The proposed Development Agreement complies with zoning, subdivision, and other applicable ordinances and regulations; and
- c) The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning and provides substantial public benefits and necessary public improvements for the region, making it in the County's interest to enter into the Development Agreement with the applicant; and
- d) The proposed Dana Reserve Specific Plan project and Development Agreement:
  - i.) Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area; and
  - ii.) Will be appropriate at the proposed location and will be compatible with adjacent land uses.

**SECTION 2: Action.** The Development Agreement is hereby approved subject to such minor, confirming and clarifying changes consistent with the terms thereof as may be approved by the Director of the Department of Planning and Building, in consultation with the County Counsel, prior to the execution thereof.

**SECTION 3:** Upon the effective date of this Ordinance as provided in Section 7 hereof, the Chairperson of the Board of Supervisors and Clerk of the Board are hereby authorized and directed to execute the Development Agreement and, upon full execution, record the Development Agreement in the Official Records of San Luis Obispo County.

SECTION 4: The Director of the Department of Planning and Building is hereby authorized and directed to administer the Development Agreement in accordance with its terms.

SECTION 5: CEQA Determination. The County Board of Supervisors and the County Environmental Coordinator hereby finds that the Development Agreement has been reviewed according to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the County's local standards. The County prepared an Initial Study and, based on information contained in the initial study, concluded that there was substantial evidence that the Project might have significant impacts on the environment. Pursuant to CEQA Guidelines Section 15064 and 15081, and based upon the information contained in the Initial Study, the County prepared an Environmental Impact Report ("EIR") for the Project to analyze potential impacts on the environment. The Board of Supervisors certified the EIR on April 24, 2024, pursuant to Resolution No. 2024-109, made certain CEQA Findings and determinations and adopted a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

SECTION 6: 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 County 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 7: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published 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.

SECTION 8: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 9<sup>th</sup> day of April, 2024, and **PASSED AND ADOPTED** by the Board of Supervisors of the

County of San Luis Obispo, State of California, on the 24<sup>th</sup> day of April, 2024, by the following roll call to vote, to wit:

**AYES:** Supervisors John Peschong, Dawn Ortiz-Legg, and Chairperson Debbie Arnold

**NOES:** Supervisors Bruce S. Gibson and Jimmy Paulding

**ABSENT:** None

**ABSTAINING:** None



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

ATTEST:

REBECCA CAMPBELL  
Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez  
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA L. NEAL  
County Counsel

By: /s/ Benjamin Dore  
Deputy County Counsel

Dated: April 8, 2024