

ORDINANCE NO. _____ (N.C.S.)

**AN ORDINANCE AMENDING ORDINANCE NO. 2549 REGARDING THE
ESTABLISHMENT OF A ZONE OF BENEFIT AND REIMBURSEMENT OF COSTS
INCURRED IN CONNECTION WITH THE ANNEXATION AND THE ENTITLEMENT OF
LANDS IN THE NORTH OF BORONDA FUTURE GROWTH AREA**

WHEREAS, on June 3, 2014, the Salinas City Council adopted an ordinance (Ordinance No. 2549) that establishes the method to reimburse a person or the City for financing certain costs and expenses related to the annexation and the entitlement of lands in the North of Boronda Future Growth Area ("FGA"); and

WHEREAS, the FGA consists of four planning areas for the purposes of preparing and processing specific plans and environmental review, namely (1) the West Area, being portions of the FGA lying between San Juan Grade Road and Natividad Road; (2) the Central Area, being portions of the FGA lying between Natividad Road and the extension of Constitution Boulevard; (3) the East Area, consisting of the portions of the FGA lying between the extension of Constitution Boulevard and Williams Road; and (4) the portions of the West Area included within the adopted Gateway Center Specific Plan; and

WHEREAS, each of the three of the planning areas (the West, the Central, and the East) includes areas which were either not annexed into the City when the FGA was annexed to the City in 2007 or which have no feasible development opportunities given their shape, size, topography, designation for use as a school site, or location within the planning area relative to the uses planned within the planning areas ("undevelopable areas"); and

WHEREAS, the undevelopable areas will not participate in sharing on a proportionate basis their fair share of the Annexation Costs and the City Costs, as those terms are defined in Ordinance No. 2549; and

WHEREAS, the Salinas City Council finds that given the undevelopable areas will not share in the Annexation Costs and the City Costs, the undevelopable areas should not be included when calculating the fair share of the Annexation Costs and the City Costs to be borne on a proportionate basis by each Sponsor, as that term is defined in Ordinance No. 2549; and

WHEREAS, in order to exclude the undevelopable areas from the calculation of the fair share costs, Ordinance No. 2549 must be amended; and

WHEREAS, the Salinas City Council finds and declares that the adoption of this Ordinance and the implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act in that it can be seen with certainty that there is no possibility that the adoption and the implementation of this Ordinance may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3)].

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS that Ordinance No. 2549 shall be amended as follows:

SECTION 1. Subdivision (8) of Section 3 shall be amended in its entirety to read as follows:

“(8) Proportionate Share. A percentage derived from a fraction in which the denominator shall be the total number of Developable Acres in the Zone of Benefit and the numerator shall be the number acres within the Zone of Benefit owned by an Owner.”

SECTION 2. Subdivision (15) shall be added to Section 3 and shall read as follows:

“(15) Developable Acres. Land which was annexed to the City in 2007 as a part of the North of Boronda Future Growth Area which may be feasibly developed and which is not otherwise restricted from development because of its shape, size, topography, designation for use as a school site, or location within the planning area relative to the uses planned within the planning areas.”

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Salinas City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

PASSED AND ADOPTED this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney