

Attachment D2

LRP2008-00012:A

As recommended by the Planning Commission

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE LAND USE ORDINANCE, CHAPTERS 22.24 AND 22.26, THE TRANSFER  
OF DEVELOPMENT CREDITS (TDC) PROGRAM

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

SECTION 1: Section 22.22.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding the following subsection as follows:

- D. Transfer of Development Credit Program.** Where parcels proposed for division are located outside of urban or village reserve areas, the provisions of Section 22.24.070. B.2. apply, in addition to the requirements set forth in Chapter 22.22.

SECTION 2: Chapter 22.24 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**22.24.010 - Voluntary Transfer of Development Credit Program.**

- A. Purpose and intent.** The provisions of this Chapter implement the voluntary Transfer of Development Credits Program (TDC) established by the Land Use Element ~~for all applications received by the Department,~~ by providing a procedure ~~for transferring to allow the voluntary transfer of~~ development credits from one parcel of land to another. Consistent with applicable Land Use Element goals, policies and programs, the objective of this section is to relocate development from environmentally sensitive land, land with agricultural capability or antiquated subdivisions, to more suitable areas. This program is ***voluntary, incentive-based, and market-driven between willing sellers and buyers.***

Properties located within the South County Planning Area as defined by Part II of the Land Use Element are subject to Section 22.24.200. Receiving Sites located within the South Atascadero area, as defined by Section 22.24.300 are subject to Section 22.24.300.

**22.24.100 - TDC Administrator.**

- B. Program Annual review.** The TDC Administrator shall comply with all provisions of Sections 22.24.010 et seq. ~~Annually~~ On an as needed basis, the TDC Administrator shall provide the Board of Supervisors with a full accounting of all transactions that occurred ~~within~~ since the ~~previous reporting period~~ preceding calendar year.

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- C. **Report review.** The Board of Supervisors shall ~~annually~~ review ~~the~~ a report from the TDC Administrator and the Department regarding the operation of the TDC program. This report shall be considered on the Board's agenda. The report will be available to all interested parties, including community advisory groups. The Commission shall be provided a copy of the report which may be considered on their consent agenda.

SECTION 3. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

SECTION 4. 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 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 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

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

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

**RITA L. NEAL**  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_