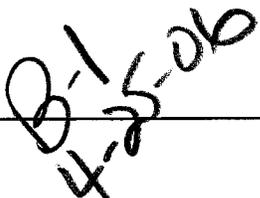


## COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS AGENDA ITEM TRANSMITTAL

|  |  |   |  |  |  |
|--|--|---|--|--|--|
| (1) DEPARTMENT<br>Planning and Building  |  | (2) MEETING DATE<br>April 25, 2005  |  | (3) CONTACT/PHONE<br>Kim Murry, Division Manager / 781-5623              |  |
| (4) SUBJECT<br>Introduction of ordinance amendments to Title 26, the Growth Management Ordinance.  |  |   |  |  |  |
| (5) SUMMARY OF REQUEST<br>This ordinance is being introduced on your April 25, 2006 agenda in order to hold a public hearing and take action at your May 9, 2006 meeting. The following ordinance is recommended for introduction today for hearing on May 9, 2006:<br><br><b>LRP 2005-00011</b> - Request by the County of San Luis Obispo to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include: <ol style="list-style-type: none"> <li>1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development).</li> <li>2. Revise percentages reserved for each category to reflect current trends.</li> <li>3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.</li> <li>4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.</li> <li>5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.</li> <li>6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.</li> <li>7. Update an incorrect ordinance reference in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.</li> </ol> |  |   |  |  |  |
| Supervisorial District No. ALL   |  |   |  |  |  |
| (6) RECOMMENDED ACTION<br>That the Board of Supervisors: Introduce the attached ordinance (Exhibit LRP2005-00011:A) and direct the Clerk to set for public hearing and action on May 9, 2006.  |  |   |  |  |  |
| (7) FUNDING SOURCE(S)<br>Current Budget  |  | (8) CURRENT YEAR COST<br>N/A  |  | (9) ANNUAL COST<br>N/A   |  |
| (10) BUDGETED?<br><input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A   |  |   |  |  |  |
| (11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):<br>These amendments were referred to the applicable advisory groups and interested agencies.  |  |   |  |  |  |
| (12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____<br><input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____   |  |   |  |  |  |
| (13) SUPERVISOR DISTRICT(S)<br><input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All   |  | (14) LOCATION MAP<br><input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A  |  | (15) Maddy Act Appointments<br>Signed-off by Clerk of the Board<br>N/A   |  |
| (16) AGENDA PLACEMENT<br><input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____)<br><input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)   |  | (17) EXECUTED DOCUMENTS<br><input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies)<br><input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A |  |  |  |
| (18) NEED EXTRA EXECUTED COPIES?<br><input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A   |  | (19) APPROPRIATION TRANSFER REQUIRED?<br><input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A  |  |  |  |
| (20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)<br>N/A   |  | (21) W-9<br><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes   |  | (22) Agenda Item History<br><input type="checkbox"/> N/A    Date 2/28/06 |  |
| (23) ADMINISTRATIVE OFFICE REVIEW<br><br><div style="text-align: center; font-size: 2em; font-family: cursive;">  </div> <div style="text-align: right; font-size: 2em; font-family: cursive;">  </div>   |  |   |  |  |  |



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS  
**FROM:** KIM MURRY, PRINCIPAL PLANNER  
**VIA:** PAT BECK, ASSISTANT DIRECTOR OF PLANNING AND BUILDING  
**DATE:** APRIL 25, 2006  
**SUBJECT:** INTRODUCTION OF ORDINANCE AMENDMENTS TO TITLE 26, THE GROWTH MANAGEMENT ORDINANCE.

PB

**RECOMMENDATION**

That the Board of Supervisors:

Introduce the attached ordinance (Exhibit LRP 2005-00011:A) and direct the Clerk to set for public hearing and action on May 9, 2006.

**DISCUSSION**

This ordinance is being introduced on your April 25, 2006 agenda in order to hold a public hearing and take action at your May 9, 2006 meeting. Discussion of the proposed changes can occur today, however, if substantial changes are made to the attached amendments, the items will have to be re-evaluated for compliance with the California Environmental Quality Act (CEQA) and re-introduced at a later date. It is important to have these amendments adopted on May 9, 2006 so they can be in effect on July 1, 2006 to allow for submittal of construction permit allotments. Otherwise, the Nipomo subset of 1.8% of the growth rate will sunset and allotments will be available to the Nipomo Mesa area subject to the county-wide growth rate.

The following ordinance is recommended for introduction today for hearing on May 9, 2006:

**LRP 2005-00011** - Request by the County of San Luis Obispo to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development).

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2. Revise percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.
4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. Update an incorrect ordinance reference in sections 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.

**SUPERVISORIAL DISTRICTS**

All

**OTHER AGENCY INVOLVEMENT/IMPACTS**

These amendments were referred to the applicable advisory groups and interested agencies.

**FINANCIAL CONSIDERATIONS**

No financial impacts to the current county budget.

**RESULTS**

Introduction of these amendments will allow them to be heard on May 9, 2006 and become effective on July 1, 2006.

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

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

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

SECTION 1: Section 26.01.034b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Proposed new dwelling units which will be affordable housing for persons and families of low or moderate income as defined by California Health and Safety Code Section 50093, with long-term affordability guaranteed for a period of 30 years as provided by Section 22.12.070 of the Land Use Ordinance and Section 23.04.094 of the Coastal Zone Land Use Ordinance.

SECTION 2: Section 26.01.050b(7) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (7) **Planned Development:** A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as mixed use or cluster divisions within urban or village reserve lines under the provisions of Titles 22 or 23 of the County Code, approved through a Development Plan or Conditional Use Permit, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors.

SECTION 3: Section 26.01.070a(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (1) **Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2006 through June 30, 2007, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 2005, resulting in the potential for a Maximum Annual Allocation of 127 new residences in the Nipomo Mesa area for the period from July 1, 2006 through June 30, 2007. In addition to the 1.8 percent annual allotment, a .5 percent supplement of allotments resulting in an additional 35 new residences in the Nipomo Mesa area shall be made available for the period from July 1, 2006 to June 30, 2007 to projects on the waiting list located within urban or village reserve lines that have received intent-to-serve letters from the applicable water district and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) or other projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

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SECTION 4: Section 26.01.070c(1)(a) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (a) **Category 1:** Thirty-five (35) percent of the Maximum Annual Allotment shall be reserved for developers or multi-family dwellings and dwelling units in phased projects approved as Planned Developments or through adoption of a Specific Plan. No single applicant shall be eligible in any one year for more than five (5) percent of the Maximum Annual Allotment. Dwelling units to be developed in such projects may be carried over for one year upon written request of the applicant within the 180 days specified in subsection "g" of this section. If there are not enough applications for dwelling units to use up the 35% reservation in this category, those unused allotments shall be made available in Category 2.

SECTION 5: Section 26.01.070c(1)(b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Category 2:** The remaining Sixty-five (65) percent of the Maximum Annual Allotment shall be available for all other applicants for new dwelling units. However, no single applicant shall receive more than five (5) percent of the annual allocations and/or allotments. If there are not enough applications for dwelling units in Category 2 in the fiscal year allotment, those unused allotments shall be available for use in Category 1.

SECTION 6: Section 26.01.070d of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Filing of Requests for Allotment.** Applicants interested in building new dwelling units will file a Request for Allotment with the Department of Planning and Building on a form provided by the department to allow the department to track the category of allotment. A complete application for the construction permits and full building plans are required at this time in addition to having completed any required discretionary permit review. If the application is determined to be incomplete by the Department of Planning and Building, the construction permit application will be rejected and no selection under the Growth Management ordinance will be made.

SECTION 7: Section 26.01.070d(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby deleted.

SECTION 8: Section 26.01.070e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Filing of Requests for Allocation.** Applicants eligible to file a Request for Allocation are allowed an exception to the requirement that a complete application be submitted as follows:
  - (1) For a vested map that was filed and accepted for processing prior to May 20, 2003, can a Request for Allocation can be selected for submittal as provided in the ordinance that was in place at the time of acceptance of the vesting map for processing.
  - (2) For parcels located within communities with waiting lists as provided in sections h and i, or for any area where a waiting list of more than 18 months exists.

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SECTION 9: Section 26.01.070f of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- f. Limit on number of allotment and allocation requests:** A total of two requests for Allocation or Allotment will be accepted for any single legally-created parcel per year. An applicant may file a request for Allocations or Allotments for a maximum number of dwelling units not to exceed the following percentages of the total annual allocation/allotment for the respective areas:
- (1) 5% in the countywide area,
  - (2) 10% in the Nipomo Mesa Area, or
  - (3) 20% of the total annual allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following:
    - (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or
    - (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or
    - (iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 10: Section 26.01.070h(1)(a)(i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) Allocation for the years July 1, 2006 through June 30, 2009.** Based on the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, the Maximum Annual Allocation shall be set at 0% per fiscal year for the period from July 1, 2006 through June 30, 2009, resulting in no new allocation or allotment requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2006 through June 30, 2009.

SECTION 11: Section 26.01.072a of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- a. Transfer of allocations.** Dwelling units will be allocated through the process described in sections 26.01.070 of this title to specific parcels, except that allocations may be transferred within the Cambria Community Services District as described in section 26.01.070h(1)(a)(iii), or on other properties in the unincorporated county where approved as part of a county Transfer of Development Credits (TDC) program.

SECTION 12: Section 26.01.072b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Expiration of allocations.** After receiving a dwelling unit allocation as provided by this title, the applicant must file a complete construction permit application along with any required land use permit application within the number of days of the date of notice of an allocation as provided in

section 26.01.070g, plus any requested time extension for such filing.

SECTION 13: Section 26.01.072e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Reallocation of expired units.** Where any applicant withdraws his application, or where such application has been deemed expired pursuant to the provisions of this title, that unused allocation shall become available for use within the current Maximum Annual Allocation as if it were a new Request for Allocation, subject to all provisions of this title. Where the allocation is located within a community subject to a waiting list as described in Section 26.01.070h, the allocation shall be made available within that community subject to the ordinance or administrative procedures adopted by the service provider within that community.

SECTION 14. The previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

SECTION 15. 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 16: 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.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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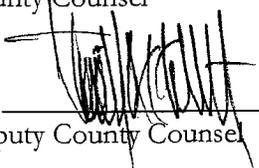
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

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:

JAMES B. LINDHOLM, JR.  
County Counsel

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

Dated: 4.14.06

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

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO  
COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

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

SECTION 1: Section 26.01.034b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Proposed new dwelling units which will be affordable housing for persons and families of low or moderate income as defined by California Health and Safety Code Section 50093, with long-term affordability guaranteed for a period of 30 years as provided by Section ~~22.04.094~~ 12.070 of the Land Use Ordinance and Section 23.04.094 of the Coastal Zone Land Use Ordinance.

SECTION 2: Section 26.01.050b(7) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (7) **Planned Development:** A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as mixed use or cluster divisions within urban or village reserve lines or agricultural cluster projects under the provisions of Titles 22 or 23 of the County Code, approved through a ~~development plan~~ Development Plan or Conditional Use Permit, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors.

SECTION 3: Section 26.01.070a(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (1) **Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2005~~6~~ through June 30, 2006~~7~~, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 2004~~5~~, resulting in the potential for a Maximum Annual Allocation of 122~~7~~ new residences in the Nipomo Mesa area for the period from July 1, 2005~~6~~ through June 30, 2006~~7~~. In addition to the 1.8 percent annual allotment, a .5 percent supplement of allotments resulting in an additional 35 new residences in the Nipomo Mesa area shall be made available for the period from July 1, 2006 to June 30, 2007 to projects on the waiting list located within urban or village reserve lines that have received intent-to-serve letters

from the applicable water district and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) or other projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 4: Section 26.01.070c(1)(a) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (a) **Category 1:** ~~Twenty (20)~~ Thirty-five (35) percent of the Maximum Annual Allotment shall be reserved for developers of multi-family dwellings and dwelling units in phased projects approved as Planned Developments or through adoption of a Specific Plan. No single applicant shall be eligible in any one year for more than five (5) percent of the Maximum Annual Allotment. Dwelling units to be developed in such projects may be carried over for one year upon written request of the applicant within the 180 days specified in subsection "g" of this section. If there are not enough applications for dwelling units to use up the ~~20~~35% reservation in this category, those unused allotments shall be made available in Category 2.

SECTION 5: Section 26.01.070c(1)(b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Category 2:** The remaining ~~80~~ Sixty-five (65) percent of the Maximum Annual Allotment shall be available for all other applicants for new dwelling units. However, no single applicant shall receive more than five (5) percent of the annual allocations and/or allotments. If there are not enough applications for dwelling units in Category 2 in the fiscal year allotment, those unused allotments shall be available for use in Category 1.

SECTION 6: Section 26.01.070d of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Filing of Requests for Allotment.** Applicants interested in building new dwelling units will file a Request for Allotment with the Department of Planning and building on a form provided by the department to allow the department to track the category of allotment. A complete application for the construction permits and full building plans are required at this time in addition to having completed any required discretionary permit review. If the application is determined to be incomplete by the Department of Planning and Building, the construction permit application will be rejected and no selection under the Growth Management ordinance will be made.

SECTION 7: Section 26.01.070d(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby deleted as follows:

- ~~(1) **Limit on number of allocation requests:** Only two Requests for Allocation will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to exceed 5.0% of the total annual allocation for a phased project approved as a Planned Development or through adoption of a Specific Plan, or where such units are included in a~~

development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title.

SECTION 8: Section 26.01.070e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Filing of Requests for Allocation.** Applicants eligible to file a Request for Allocation are allowed an exception to the requirement that a complete application be submitted as follows:
- (1) For a vested map that was filed and accepted for processing prior to May 20, 2003, ~~can elect to submit a Request for Allocation~~ can be selected for submittal as provided in the ordinance that was in place at the time of acceptance of the vesting map for processing.
  - (2) For parcels located within communities with waiting lists as provided in sections h and i, or for any area where a waiting list of more than 18 months exists.

SECTION 9: Section 26.01.070f of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- f. **Limit on number of allotment and allocation requests:** ~~A total of two Requests for Allocation or Allotment will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation or Allotment for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to exceed 5.0% in the county-wide area or 10% in the Nipomo Mesa Area of the total annual allocation. for a phased project approved as a Planned Development or through adoption of a Specific Plan; or where such units are included in a development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title. If a qualifying multi-family project described in the preceding sentence includes at least 35% of the units as affordable units in accordance with County Ordinance, an individual developer may secure up to 15% of the total annual allotments in the Nipomo Mesa area for the market rate units. A total of two Requests for Allocation or Allotment will be accepted for any single legally-created parcel per year. An applicant may file a request for Allocations or Allotments for a maximum number of dwelling units not to exceed the following percentages of the total annual allocation/allotment for the respective areas:~~

- (1) 5% in the countywide area,
- (2) 10% in the Nipomo Mesa Area, or
- (3) 20% of the total annual allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following:
  - (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or
  - (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or

(iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 10: Section 26.01.070h(1)(a)(i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) **Allocation for the years July 1, 2004~~6~~ through June 30, 2007~~9~~.** Based on the County 2003~~5~~ Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 9~~20~~, 2003~~5~~, the Maximum Annual Allocation shall be set at ~~not exceed 1.0~~ 0% per fiscal year for the period from July 1, 2004~~6~~ through June 30, 2007~~9~~, ~~resulting in the potential for 39~~ no new allocation or allotment requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and plus 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2004~~6~~ through June 30, 2007~~9~~.

SECTION 11: Section 26.01.072a of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- a. **Transfer of allocations.** Dwelling units will be allocated through the process described in sections 26.01.070 of this title to specific parcels, except that allocations may be transferred within the Cambria Community Services District as described in section 26.01.070f~~h~~(1)(a)(iii), or on other properties in the unincorporated county where approved as part of a county Transfer of Development Credits (TDC) program.

SECTION 12: Section 26.01.072b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. **Expiration of allocations.** After receiving a dwelling unit allocation as provided by this title, the applicant must file a complete construction permit application along with any required land use permit application within the number of days of the date of notice of an allocation as provided in section 26.01.070f~~g~~, plus any requested time extension for such filing.

SECTION 13: Section 26.01.072e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Reallocation of expired units.** Where any applicant withdraws his application, or where such application has been deemed expired pursuant to the provisions of this title, that unused allocation shall become available for use within the current Maximum Annual Allocation as if it were a new Request for Allocation, subject to all provisions of this title. Where the allocation is located within a community subject to a waiting list as described in Section 26.01.070f~~h~~, the allocation shall be made available within that community subject to the ordinance or administrative procedures adopted by the service provider within that community.

SECTION 14. The previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

SECTION 15. 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 16: 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.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman 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

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[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

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

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

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