

## Chapter 22.34 - TRANSFER OF DEVELOPMENT RIGHTS

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**22.34.010 - Purpose of Chapter.**

This Chapter provides for a transfer of development rights (TDR) process that can allow the relocation of potential development from areas where environmental or land use impacts could be severe, to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

(Ord. 3380 Exh. B (part), 2003)

**22.34.020 - Applicability of TDR Provisions.**

- A. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to Master Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans).
- B. The owners of properties adjacent to an application for a TDR may participate on a voluntary basis.
- C. The properties covered in the application shall be subject to the provisions of the Countywide Plan, the Local Coastal Program or a Community Plan policy that recommends TDR as an implementation measure.
- D. The properties covered in the application shall be located within the A3 to A60, ARP, C-ARP, or C-APZ zoning districts.

(Ord. 3380 Exh. B (part), 2003)

**22.34.030 - TDR Process.**

The number of residential dwelling units allowed on one property (the donor property) may be transferred and built on another property (the receiving property), resulting in a higher density of development than that normally allowed on the receiving property by the applicable zoning district, as provided by this Section.

**A. Approval process.** The use of TDR requires Master Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans).

**B. Findings.** Approval of a TDR application shall require that the review authority first make the

following findings, in addition to the findings required for a Master Plan as provided in Subsection A. (TDR Process), above:

1. TDR is necessary to conserve the site from which the density is proposed to be transferred.
2. The site receiving the density can accommodate it.
3. The proposed TDR is consistent with any TDR criteria established in the Countywide Plan, the Local Coastal Program, a Community Plan policy that recommends TDR as an implementation measure, or zoning district identified in Section 22.34.020.D (Applicability of TDR Provisions), above.

**C. Conservation easements or restrictions.** A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the Master Plan and which restrict the future development or division of the donor property in compliance with those conditions.

The conservation easements or restrictions shall be recorded against the donor property prior to the recording of a parcel map or final map or the issuance of construction permits for the receiving property.

(Ord. 3380 Exh. B (part), 2003)

**22.34.040 - TDR Development Design.**

**A. Density bonuses.** Density bonuses shall be considered if the proposed TDR meets the criteria contained in the Countywide Plan, the Local Coastal Program, or a Community Plan.

**B. Clustering.** Clustering shall be considered when applying for a TDR. Generally, structures should be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and sound intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. In areas with wooded hillsides, a greater scattering of structures may be preferable to save trees and minimize visual impacts.

The prominence of construction can be minimized by placing structures so that they will be screened by existing vegetation, wooded areas, rock outcroppings and depressions in the topography. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(Ord. 3380 Exh. B (part), 2003)