

“Low Density Residential Lands” Subcommittee Recommendations

Our subcommittee was tasked with addressing issues pertaining to “lower density residential uses”, which were defined as Rural Residential, Low Density Residential, Medium Density Residential, and High Density Residential. Under the General Plan, these land uses cover a broad range of densities and lot sizes as shown below:

Land Use Category	Allowed lot sizes/densities
Rural Residential	Lots ranging from 10 acres to 160 acres in size
Low Density Residential	Lots ranging from 5 acres to 10 acres in size
Medium Density Residential	Lots ranging from 1 acre to 5 acres in size
High Density Residential	One to five dwelling units per acre

The Rural Residential (RR) land use designation is only allowed in the Rural Regions, as it is considered below the acceptable density range for Community Regions and Rural Centers. Low Density Residential (LDR) is allowed in all areas, including Community Regions, Rural Centers and the Rural Regions. Certain General Plan policies suggest LDR is acceptable inside of Community Regions only until infrastructure is available to serve higher densities, which the General Plan considers desirable within those areas. Medium Density Residential (MDR) and High Density Residential (HDR) land uses are generally limited to Community Regions and Rural Centers.

We initiated a review of General Plan policies and proposed changes to the Zoning Ordinance that constrain economically viable use of these lands. It was evident to Regulatory Reform participants at an early stage that the challenges facing rural areas of the county are very different than those affecting Community Regions and Rural Centers. Within the Community Regions and Rural Centers, several General Plan policies contribute to an inability to achieve even the minimum assigned densities, which impacts the ability to provide housing affordable to moderate income households (family of 4 earning \$90,000 and less). LDR lands on the periphery of Community Regions or along the Highway 50 corridor, generally provide Estate Residential (RE) uses for above-moderate households. The LDR lot sizes (5 to 10 acres) are large enough to allow some design flexibility, so much so that most of the Planned Development (PD) projects approved since adoption of the 2004 General Plan have been located in LDR land uses. Finally, during the course of discussions, it became clear that additional options for economic use of lands in the Rural Regions (mostly RR, but also including LDR in areas outside of the Highway 50 corridor) would be helpful as an alternative to parcel splits of those properties. That issue is addressed at length by in other White Papers, so we will not repeat the discussion.

The Subcommittee identified the following constraints to the provision of housing affordable to moderate income households in Community Regions:

1. ***Planned Development GP Policy revisions.*** The County has recognized that General Plan policies pertaining to Planned Developments (PDs) should be revised because those policies interfere with the ability to provide housing affordable to lower and moderate income households. In particular, the PD policies require 30% of the site to be set aside as open space, and other policies make the PDs mandatory for certain types of projects. In 2006, the Planning Commission initiated a General Plan amendment to amend these policies, and in 2008 the Board of Supervisors initiated a similar GPA. Neither has been completed. **EDAC Subcommittee recommends: Consolidate the previously adopted ROI into the TGPA. Adopt revised language of GP Policies 2.2.1.2 (MFR) and (HDR), 2.2.3.1, and delete Policy 2.2.5.4. Incorporate open space standards into Zoning Ordinance.**

Planned Development Zoning Ordinance Issues. Our subcommittee believes additional work is needed on the Zoning Ordinance language related to the PD. We believe the General Plan concentrates higher density land uses within Community Regions and Rural Centers *as a strategy to avoid the impacts that would result if all the anticipated growth were to occur in a dispersed fashion in the Rural Regions. In other words, the compact land use pattern IS THE MITIGATION.* The draft Zoning Ordinance suggests, as an alternative to providing 30% open space onsite, that a subdivider could dedicate and improve an equivalent area of land offsite. Our subcommittee believes this further increases the cost of lower and moderate income housing, where those projects already teeter on the edge of financial infeasibility. Some questioned whether the necessary *nexus* could be established for an offsite open space requirement.

Instead, for higher density projects inside Community Regions, open space should be viewed as a way to enhance the living environment for residents by devoting a smaller area of the site to *improved* open space including passive and active recreational or common area uses (swimming pools, BBQ areas, greenbelts, tot lots, community gardens, etc.). **EDAC Subcommittee recommends: EDAC to work with staff to revise the Zoning Ordinance language to allow open space requirements for PDs within Community Regions/Rural Centers to reduce the total area set aside where improved open space serving residents of the community is provided; revised language to be reviewed by Planning Commission and approved by the Board.**

2. ***Density Bonus General Plan and Zoning Ordinance.*** Our subcommittee understands that this item was added to the TGPA list by a supervisor as a result of concern about the impact of the policy on agricultural users. The subcommittee concurs that there are circumstances in which use of the density bonus is not appropriate, but supports the retention of the policy principles for the following reasons:

A. The density bonus is a *type of planning tool*, which encourages clustering of homes on less sensitive parts of a site. The decision to approve or disapprove a project under this policy is fully discretionary. In fact, the Board has broader discretion to deny a project with a density bonus than a standard subdivision.

B The density bonus is an effective *incentive based program* to secure voluntary set-asides of natural open space at no cost to the County. Under the INRMP, these open space lands can become part of a system of lands protected from future development. Without the density bonus incentive, the County will have to purchase conservation easements or fee title to the land. The

concept has greater utility in the Rural Regions where the generally larger parcels allow preservation of large areas of open space, as distinguished from preservation of an acre or two inside of a Community Region.

C. Projects within the Community Regions have been unable to meet minimum densities for reasons ranging from physical site constraints to policy issues. It is unlikely those projects would be able to utilize a density bonus, which requires, at a minimum, set-aside of at least 30% of the project area.

EDAC subcommittee recommends: Move the Density Bonus policy from the General Plan to the Zoning Ordinance, but retain the core principles of the policy. Incorporate standards into the Zoning Ordinance limiting use of the density bonus where adverse impacts on agricultural uses would occur. This might be accomplished by limiting the zone designations which may be combined with the PD overlay.

3. *30% Slopes in Community Regions.* General Plan policies restrict development on slopes over 30% except under limited circumstances, primarily as a way to prevent erosion of steep slopes. As written, the policy does not include a “common sense” exception, and the problems with the policy have generally related to interpretation and the way the policy is applied to real-world conditions. Our subcommittee does not believe the policy was intended to apply to very small areas of 30% slope (eg: knoll) that would be eliminated in the grading for a building site. In addition, we believe the policy should be sufficiently flexible to allow grading of sites designated for higher density housing and commercial uses within Community Regions and Rural Centers. **EDAC Subcommittee recommends: The General Plan language should be modified to include language that disturbance on slopes over 30% should be avoided, where feasible, subject to the provisions of the Zoning Ordinance. Move the “reasonable use” and other exceptions to the Zoning Ordinance; add a “common sense” exception. Graded slopes would be required to comply with erosion control provisions of the Grading Ordinance.**

4. *Stream, River and Wetland Setbacks in Zoning Ordinance Update.* General Plan Policy 7.3.3.4 provides that the Zoning Ordinance will include setbacks to protect riparian areas and wetlands, and includes interim setbacks (100’ for perennial streams/lakes and 50’ for intermittent drainages) to be used until the Zoning Ordinance update is completed. A set of Interim Guidelines was adopted in 2006 by the Planning Commission after a series of public hearings. The draft Zoning Ordinance uses “edge of riparian vegetation” as the location from which setbacks are measured, instead of the “ordinary high water mark” which is used in Interim Guidelines. This subtle change significantly increases the area subject to the setback requirements. “Ordinary high water mark” is a more objective standard than “edge of riparian vegetation”. **EDAC Subcommittee recommends: Incorporate Interim Guideline provisions using wetland delineation standards from the Army Corps of Engineers as the basis for calculating setbacks. Utilize current setback criteria (50’ intermittent, 100’ perennial), but provide for reductions or increases of those setbacks where conditions warrant, as provided in the Interim Guidelines.**

5. *Setbacks and Parcel Sizes adjacent to "Ag Zoned" lands; Policy 8.1.3.1 and 8.1.3.2.* In 2008, the Board of Supervisors adopted an interpretation of these two policies in an effort to resolve conflicts between higher density land uses and adjacent lands with underlying "ag zoning", where the adjacent lands were planned for "non-agricultural land uses". These conflicts arise where agricultural zoning remains in place because the Zoning Ordinance has not been updated in nearly 30 years, or where a property was once under a Williamson Act contract, but the agricultural zoning was retained even after "roll-out". The Board's interpretation remains in place until the Zoning Ordinance is updated, which assumes that the conflicts that exist primarily on paper are resolved as the Zoning Maps are revised. Our subcommittee is concerned that in the Map update process may inadvertently miss some of these conflicts. **EDAC Subcommittee recommends: Concurrent with adoption of the Zoning Ordinance, the Board of Supervisors should extend the interpretation of Policy 8.1.3.1 and 8.1.3.2.**

6. *Transportation Policy Issues.* The EDAC Engineering and Transportation Subcommittee identified some concerns in the Transportation Element (and the Land Development Manual) that impact provision of moderate housing and are .

A. *Road Right of Way (ROW) Width, and Intersection Spacing for Local Roads.* We agree that reducing the required width of local road ROW (and the size of public utility easements behind the ROW) would allow better utilization of the limited land available for housing for moderate income households.

B. *Sidewalks on Both Sides of Street.* General Plan Policies TC-5a and TC-5b require sidewalks on both sides of the street where lots are smaller than 10,000 sq. ft. (TC-5a) and in Commercial/R&D developments (TC-5b). We concur that sidewalks on one side of the street may be adequate in many instances, and would allow better utilization of the limited land area available for these uses.