

Attachment I-6

Statement of Legislative Intent Decoupling

This section provides an amendment to the General Plan Update Statement of Legislative Intent that was presented at the Board of Supervisors hearing on May 13, 2009. The Statement of Proceedings for that hearing directed staff to:

Return to the Board with an amendment to the General Plan 2020 Statements of Legislative Intent such that the last sentence under "Legislative Intent" in the section entitled "Decoupling" reads as follows:

"While minimum parcel sizes should be smaller in higher density areas than in medium or low-density areas, in general, parcel sizes could be the same or smaller than the corresponding general plan density to allow for greater flexibility in subdivision design and to allow for preservation of sensitive natural resources."

Background

Several residential land use designations in the existing General Plan couple densities with minimum parcel sizes in a one-to-one relationship. For example, areas with a density of one dwelling unit per acre also have a zone with a minimum parcel size of one acre. This coupling of density and parcel size creates two problems. First, by using parcel sizes instead of density, the existing General Plan is not truly density based as required by Government Code section 65302. Second, in order to meet the minimum parcel sizes, applicants often propose subdivisions with very long narrow parcels with an easement over a majority of the parcel. This practice frequently leads to confusion on the part of homeowners as to what is allowed to occur in the easement, fragmented open space areas and difficulty in achieving the allowed yield.

Purpose

Two of the goals of the General Plan Update have been to resolve potential inconsistencies in the plan itself and to accommodate growth and development in appropriate areas while preserving important biological resources in other areas. Decoupling density and parcel size will help to achieve both goals by not requiring that the minimum parcel size match the density. Regulations governing parcel sizes should be controlled by the Zoning Ordinance, which also regulates items such as building height, setbacks and enclosure requirements.

Legislative Intent

Based on the issues identified above, it is the intent of the Board of Supervisors to decouple density and parcel size and to provide that the Zoning Ordinance and not the General Plan should establish minimum parcel sizes. While minimum parcel sizes should be smaller in higher density areas than in medium or low-density areas, in general, parcel sizes ~~should~~ could be the same or¹ smaller than the corresponding General Plan density to allow for greater flexibility in subdivision design and to allow for preservation of sensitive natural resources. While minimum parcel sizes should be smaller in higher density areas than in medium or low-density areas, in general, parcel sizes could be the same or smaller than the corresponding general plan density to allow for greater flexibility in subdivision design and to allow for preservation of sensitive natural resources.

¹ Changed per direction provided in Statement of Proceedings for Board of Supervisors hearing of May 13, 2009 (see http://www.sdcounty.ca.gov/bos/agenda/sop/index_2009.html)

Below is an excerpt from the Statement of Proceedings for the Board of Supervisors hearing of May 13, 2009 concerning agenda item #4, General Plan Update.

**4. SUBJECT: PROGRESS REPORT ON THE GENERAL PLAN UPDATE
(DISTRICTS: ALL)**

OVERVIEW:

This report provides a summary of the progress that has been made by the Department of Planning and Land Use on the General Plan Update during the past year. Additionally, it presents major issues associated with the project that have been raised by stakeholders and provides an opportunity for the public and Board of Supervisors to provide comments on the project as it progresses.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Receive this report.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board received the report and directed that the Chief Administrative Officer to take the following actions:

1. Continue to allow Plan Amendment Authorizations (PAA) to be processed pursuant to Board Policy I-63 pending the completion of the General Plan Update; and
2. Return to the Board with an amendment to the General Plan 2020 Statements of Legislative Intent such that the last sentence under "Legislative Intent" in the section entitled "Decoupling" reads as follows:

"While minimum parcel sizes should be smaller in higher density areas than in medium or low-density areas, in general, parcel sizes could be the same or smaller than the corresponding general plan density to allow for greater flexibility in subdivision design and to allow for preservation of sensitive natural resources.";

AYES: Cox, Jacob, Slater-Price, Roberts, Horn