

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: RES-DEN-01 (Overriding Minimum Acreage)
Effective Date: 06/01/03
Originally Issued: 04/16/93 (Pete Parkinson, Overriding Density Policies – Net or Gross?)

Question

By using the overriding minimum acreage policies, is it possible to obtain a greater density than that calculated using the Rural Matrix?

Applicable Ordinance Section(s)

General Plan Policy 2.3.2
§13.14.050

INTERPRETATION:

No. The overriding minimum acreage policies apply only when the minimum parcel size established by the Rural Matrix would be smaller than that allowed by the overriding minimum parcel size. All new parcels can be no smaller than the overriding minimum but not smaller. The Rural Matrix calculation may require parcels larger than the overriding minimum. In all cases where the overriding minimum acreage policy applies, the parcel must meet both the minimum gross acreage required by the overriding policy and the minimum net developable area required by the matrix.

Reason

The overriding minimum acreage policies as described in General Plan - -Land Use Plan Policy 2.3.2 and Figure 2-2 are just that; they override some other minimum parcel size that is smaller and they require a larger minimum. This is appropriate because those overriding minimums serve to help protect resources and limit development in constrained areas.

Conversely, if the overriding minimums could override a larger minimum established by the Rural Matrix (§13.14.050), then this would mean that parcels within certain mapped resource or constraint areas would be entitled to greater density than those outside of those mapped resource or constraint areas. This clearly makes no sense as it would only further degrade resources or increase development in constrained areas. The overriding minimum acreage policies are not intended to be alternative density calculations; they are intended to provide greater resource protection than would be provided through the Rural Matrix.

For example, if the score on the Rural Matrix allowed a minimum parcel size of, say, 2.5 acres but the parcel was located entirely within a water supply watershed, then the water supply watershed overriding minimum of 10 acres would apply and no new parcel could be smaller than 10 acres. If, on the other hand, the Rural Matrix score required a minimum parcel of 15 acres for the same parcel in the same situation, then the water supply watershed 10-acre overriding minimum would not apply. This is because the Rural Matrix minimum parcel size would be larger than that required by the overriding minimum, resulting in less density and therefore greater protection for resources.

Finally, the overriding minimums are expressed in gross acreage, while the matrix minimums are expressed as net developable acreage, so both must be met if the overriding minimums apply. For example, if the minimum overriding acreage is 10 acres and the matrix minimum is 5 acres, then new parcels must be at least 10 gross acres in size and have at least 5 net developable acres. While this may at first appear to be not an issue, it is possible that a large parcel could have a very small amount of net developable land. Examples of this situation include parcels comprised mostly of very steep slopes or that have other constraints covering a large portion of the parcel.

Alvin James, Planning Director