

Summary

In keeping with the countywide urban development policies and growth management strategies adopted by the cities and the County of Santa Clara, the basic strategies or policy directions for land management in the rural unincorporated area are:

Strategy #1: Preserve the Resources and Character of Rural Lands

Strategy #2: Develop Special Area Plans for Appropriate Areas

To fulfill those policies, the General Plan provides only for non-urban, low density uses in the rural unincorporated areas of the County. Secondly, special districts may not provide service levels which are inconsistent with planned uses and densities of a given area. Thirdly, special area plans are encouraged for areas which would benefit from more detailed policies and implementation measures, such as those which must resolve problematic, areawide development constraints, or areas of mutual interest to multiple jurisdictions. Finally, where desirable, rural area design guidelines may be applied to preserve rural character and reduce environmental impacts of development.

Background

RELEVANCE OF COUNTYWIDE “URBAN DEVELOPMENT POLICY” TO RURAL AREAS

The joint urban development policies of the County, cities, and Local Agency Formation Commission (LAFCO) provide for the maintenance of cities’ Urban Service Area boundaries and determine the types of lands typically excluded from urbanization.

This set of policies, often referred to simply as the “joint urban development policies” of the county, have been in effect for nearly two decades. (The overall rationale for the county’s growth management strategy is more fully explained in the chapter on Growth & Development for Countywide Issues and Policies).

The major provisions of the joint urban development policies include:

- urban development only within cities’ USAs under cities’ jurisdiction;
- areas not suitable for urbanization excluded from USAs; and,
- expansion of the urbanized area only in a timely, efficient manner, as cities are capable and willing to provided needed urban services without undermining service levels to existing development.

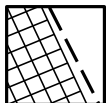
In keeping with long-standing Urban Service Area policies, the countywide growth management strategies also call for achieving more balanced, compact development within existing urbanized areas. These policies are intended not only to help reduce the need for urban expansion in accommodating future growth, but also for consistency with the following:

- making the most efficient use of existing urban infrastructure;
- increasing the feasibility of transit system development; and
- increasing the proximity of housing and employment.

IMPLICATIONS FOR RURAL UNINCORPORATED AREA LAND USE AND DEVELOPMENT

The overall growth management strategy outlined in the Countywide Issues and Policies section of the General Plan forms the context for land use and development in the rural unincorporated areas. In particular, those joint strategies and policies have major implications for County land use policy with respect to:

- the range of allowable uses and densities generally permitted outside USAs;
- the degree of control over the use of special districts; and
- provision for various types of highly specialized land uses.



Strategies, Policies and Implementation

The basic strategies for managing rural unincorporated area growth and development consist of the following:

- Strategy #1: Preserve Resources and Character of Rural Lands
- Strategy #2: Develop Special Area Plans for Appropriate Areas

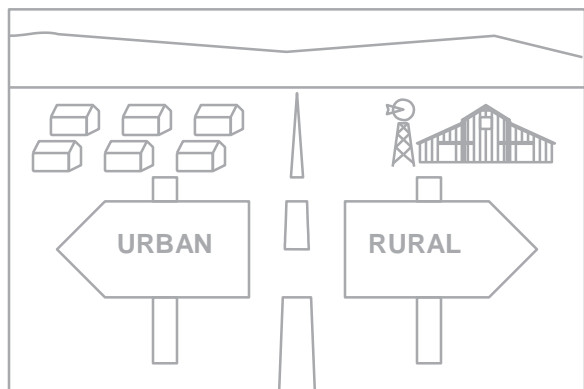
**Strategy #1:
Preserve the Resources and Character of Rural Lands**

Two of the County’s primary goals in governing growth and development in rural unincorporated areas are to preserve natural resources and to preserve the rural character of lands not suitable or intended for urban development. To those ends, the first strategy encompasses policies which:

- a. allow only non-urban, low density uses outside cities’ USAs;
- b. maintain strict controls over the use of special districts serving rural unincorporated development; and
- c. make limited provision for highly specialized uses.

LOW DENSITY, NON-URBAN LAND USE

Under the “joint urban development policies,” the 15 cities are responsible for managing urban growth through various means, including infill, expansion if appropriate, or both, but only on



lands within each city’s established USA boundary. On lands outside of cities’ USAs, it is incumbent upon the County to allow only nonurban, low density uses.

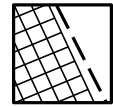
In allowing only non-urban uses and densities outside USAs, the County simultaneously:

- maintains the integrity of the Urban Service Area concept;
- conserves valuable natural resources;
- avoids natural hazards and constraints which could pose a threat to public health, safety, and welfare, such as landslides and earthquake faults;
- minimizes demand for public services and the costs to the general public of providing and maintaining roads and services;
- helps preserve scenic qualities of the rural landscape; and
- prevents unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.

With the exception of unique and specialized land uses, the types of non-urban, low density uses allowed in the rural areas consist of rural residential and commercial, institutional, and industrial uses that either (a) are directly associated with open space, resources, and agriculture found in the rural areas, such as wineries, camps and retreats, or surface mining operations, or (b) are of a size, scale and intensity intended to provide goods and services to the resident rural community. These local serving uses are necessary to provide support services to the resident rural community, while preventing urban scale development. The County evaluates these local-serving uses based on size, scale and intensity, and not on the origins of users.

[Amended Nov. 19, 2015; File#: 10571-15GP]

In order to help preserve rural character and scenic values of the rural unincorporated area, application of design guidelines may also be of benefit. Design or development guidelines can help further carry out the intent of the General Plan by assuring that (a) the development is consistent with community goals to preserve



rural character; (b) is not obtrusive or in conflict with the architecture of its surroundings; and, (c) minimizes other potential environmental impacts.

CONTROL OF SPECIAL DISTRICTS

A related matter involves strict control over the use of special districts to provide essential services to development in rural unincorporated areas. In keeping with the overall intent of the urban development policies, it is critical that urban services such as municipal water and sewer not be made available outside cities' USAs by means of special districts or assessment districts.

Exceptions to the general policy have been necessary in the past to remedy problems such as areawide septic system failures, well contamination, or simple well failure. For example, water supply in much of the Lexington Basin is by means of piped distribution, a result of extensive well failures due to a number of factors, but in part to the limited groundwater supplies in the area and the large number of small, non-conforming parcels with residential development which predates current land use policy.

In another case, ongoing groundwater monitoring in the South Valley, where high levels of nitrates have been found in various portions of the groundwater basin, should help focus attention of particular problem areas and help prevent a more serious areawide problem from occurring.

In conclusion, land use policies should take into account the constraints of a given area and not allow development densities which will predictably result in the need for utility extensions. However, if any future extensions of such services prove necessary to solve an areawide problem, they must be limited to only the capacity necessary to serve existing and planned levels of development, as determined by the Land Use Plan. Potentially growth-inducing infrastructure extensions that would not be consistent with the planned density of development in rural unincorporated areas cannot be permitted.

LIMITED PROVISION FOR UNIQUE OR VERY SPECIALIZED LAND USES

There may be occasions or particular circumstances when the public interest is served by permitting a specialized, unique land use which would otherwise not be considered consistent with overall land use in rural unincorporated areas. In allowing some limited flexibility for accommodating unique situations, the General Plan should not be misconstrued to encourage applications for fairly routine land uses which seek a location outside cities' jurisdiction, but which are not consistent with the overall land use policies and zoning districts for rural unincorporated areas. Two examples help illustrate the type of land uses which could be considered under such a policy.

For example, United Technologies Corporation (UTC) has since before the adoption of the 1980 General Plan operated a rocket testing facility in the ranchlands area east of Coyote Valley. This land use requires a type of remote setting removed from urban areas, due to the obvious noise pollution and the potential for very damaging explosions. This land use is not one for which provision should be made anywhere in areas designated Ranchlands, due to a variety of potentially adverse environmental impacts and concerns; however, the use and circumstances of its location are both unique.

To the extent that (a) the public interest is served by allowing a necessary land use, and (b) regulatory controls are adequate to prevent harm to the environment or surrounding land uses, there is reason to consider allowing such a use to be continued in rural unincorporated areas, through the use permit process.

A second example might be large scale truck stops. These are uses not easily sited in or near urbanized areas, but for which there is arguably a need, one that can possibly be fulfilled in a rural setting. Although such uses are not as unique as UTC's specialized testing facilities, there isn't likely to be as much replication of large scale truck stops as, for example, commercial dry cleaners, a fairly common urban area land use. With adequate land use policy and regulatory controls, a truck stop could be located within a rural unincorporated area and



near a major thoroughfare without being incompatible with surrounding area uses or undermining the integrity of the general plan policies and zoning district regulations which govern land use for the general area.

In the future, other highly specialized or unique land uses which require a remote or rural setting could, under these General Plan policy provisions, be given due consideration, as long as there are adequate procedures for public input and appeal.

→ Policies and Implementation

R-GD 1

Strategies and policies for managing land use and development in the rural unincorporated areas include the following:

1. Preserve the resources and rural character of lands outside Urban Service Areas (USAs).
2. Develop special area plans for areas that require or would benefit from more detailed planning and policies.

R-GD 2

For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed.

R-GD 3

Land uses and development permitted under County jurisdiction shall be consistent with the following major County policies:

- a. conservation of natural resources;
- b. avoidance of natural hazards and the prevention of pollution which could pose a threat to public health, safety, and welfare;
- c. minimizing demand for public services and costs to the general public of providing and maintaining services;
- d. preservation of rural character, rural lifestyle opportunities, and scenic resources;
- e. preservation of agriculture; and
- f. preventing unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.

R-GD 4

The rural character of land use and development within rural unincorporated areas shall be maintained and enhanced through application of land use controls and by special area development guidelines, where appropriate.

R-GD 5

Very limited provision should be made for highly specialized or unique land uses which otherwise would not be considered in conformance with General Plan policies, so long as the use:

- a. is entirely dependent on rural or remote settings;
- b. is compatible with surrounding land uses;
- c. will not have serious environmental impacts;
- d. will not reduce existing service levels or overburden planned service capacities; and
- e. is unique or without precedent-setting potential which could be used to undermine the integrity of the General Plan or zoning district applicable to the area in which it is proposed to be located.

R-GD 6

Urban types and levels of services shall not be available outside of cities' Urban Service Areas from either public or private service providers.

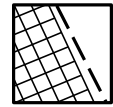
R-GD 7

In rural unincorporated areas, if there is an unpreventable areawide problem which can only be solved by extension of services by special district, assessment district, or private utility, then this form of service may be approved, with the following restrictions:

- a. the amount of increased service capacity will not exceed the identified need and the planned level of development; and
- b. the level of service capacity is consistent with that of other services provided or planned for the area.

R-GD 8

No development proposal may be approved in areas requiring services provided by a special district, assessment district, or other private service provider, unless the needed services will be available to the development at the time of the development's approval.



Implementation Recommendations

R-GD(i) 1

Determine need for design guidelines as appropriate and necessary to preserve rural character. (eg: San Martin Area Design Guidelines)

R-GD(i) 2

Explore and develop more adequate mitigation of school impacts resulting from rural development subject to discretionary approvals by the County.

	Strategy #2: Develop Special Area Plans for Appropriate Areas
---	--

in defining allowable building sites, common to the foothills of the Diablo Range and the Santa Cruz Mountains.

Other uses of special area plans might be to resolve issues of mutual concern to multiple jurisdictions. These joint area plans might be used to ensure the compatibility of development allowed by all jurisdictions in a given area, such as in hillside areas or valley lands at the urban fringe.

In any case, special area plans should be prepared with the involvement of all affected jurisdictions and agencies, landowners, and the full breadth of public interests appropriate to the resolution of the issues involved. If needed, the area plan should be implemented by means of special area boundary designations on the General Plan Land Use map and accompanying ordinances or procedures.

GENERAL USES OF SPECIAL AREA PLANS

Special area plans have been prepared and adopted for a number of localities since the 1980 GP was adopted. Special area plans are typically of two major types. First, there are special area plans that address particular land use or development issues of concern primarily to County government. The most notable recent example is the San Martin Area Plan, adopted as part of the County’s General Plan in 1983. The second type of special area plan addresses issues or areas of concern to multiple jurisdictions, usually in the form of joint city/County plans for a given area. The South County Joint Area Plan, adopted as part of the general plans of the County, Gilroy, and Morgan Hill in 1988 is an example of such a special area plan.

	Policies and Implementation
--	------------------------------------

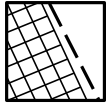
R-GD 9

Special area plans should be developed and employed for rural unincorporated areas that require or would benefit from more detailed planning, policies, and implementation measures, such as:

- a. areas subject to critical development constraints, deficiencies, or other special circumstances which render individual development proposals difficult or infeasible to process and approve;
- b. joint planning for areas of mutual interest or concern to multiple jurisdictions, such as joint hillside development plans or interurban/ greenbelt areas;
- c. designated areas of “critical environmental concern” as described under CEQA law, or areas likely to be adversely affected by cumulative development impacts;
- d. areas formally designated as historic or agricultural preserves; and
- e. areas designated for natural resource conservation, such as significant natural habitat areas, water supply watersheds, or scenic preservation areas.

SPECIAL PLANS FOR SOLVING AREAWIDE CONCERNS OR DEVELOPMENT CONSTRAINTS

Another of the most common uses of special area plans is to address and resolve a particular set of development constraints that otherwise make it very difficult to review and approve development proposals on a case-by-case basis. Examples of such constraints could include areawide septic system limitations which require different density or minimum lot size standards, drainage problems, such as those common to the San Martin area, and geologic and seismic conditions which create difficulties



R-GD 10

Joint special area plans should be adopted as amendments to each jurisdiction's general plan and subsequent amendments made only with the agreement of all jurisdictions involved.

R-GD 11

The County's Board of Supervisors may formally designate areas that shall require a detailed, special area plan to address areawide development constraints or deficiencies that otherwise make development problematic or infeasible on a case-by-case basis.

R-GD 12

If an area is so designated, the preparation and adoption of the special area plan shall be required prior to any discretionary land use approval.

R-GD 13

If special policies or standards are deemed necessary to govern land use and development in the interim between the time the Board designates an area for a special area plan and the plan's adoption, policies and standards shall be incorporated within the General Plan and/or interim ordinances for that purpose.

R-GD 14

Detailed, special area plans must include the following:

- a. the extent and type of constraints or deficiencies;
- b. alternative solutions to correct deficiencies or overcome constraints, and the preferred alternative;
- c. costs of developing the plan and funding mechanisms, including apportionment of initial and ongoing costs of plan preparation and implementation.

R-GD 15

If a special area plan is intended to improve substandard conditions in areas that are already substantially developed or have existing roads and infrastructure, it may contain variations from General Plan policy or development standards if such variations improve or safeguard the environmental quality of the area.

Implementation Recommendations

R-GD(i) 3

Initiate discussions with other jurisdictions interested in developing joint area plans. (Implementations: County, Cities, other agencies)

R-GD(i) 4

Implement special area plans and policies through:

- a. depiction of area boundaries on each jurisdiction's Land Use Plan;
- b. through accompanying ordinances and procedures (County & cities, in the case of a joint plan); and
- c. in the case of joint area plans, inter-local agreements which offer greatest assurance that such plans will be upheld and consistently implemented by all jurisdictions involved (see Pleasanton Ridge Plan - Alameda County, City of Hayward, City of Pleasanton).



Rural Residential Areas

Description and Intent

R-LU 56

Rural Residential areas include lands outside of city Urban Service Areas where:

- a. there is an established pattern of small, primarily developed parcels assembled in aggregations large enough to be considered more than simple clusters of rural development;
- b. residential density generally exceeds one dwelling unit in ten acres;
- c. the use of the land is primarily for residential purposes; and
- d. the land is not planned by cities for future inclusion in Urban Service Areas.

Allowable Uses

R-LU 57

Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature.

[Amended Nov. 19, 2015; File#: 10571-15GP]

Development Policies — Allowable Densities

R-LU 58

The allowable density of development shall be 5–20 acres per dwelling, depending upon the average slope of the land, as based upon the County’s “-5-20s” slope density formula (see table below). Minimum parcel size shall be 5 acres, unless development is proposed as a cluster subdivision. (See R-LU 59-60)

If average slope is:	Average area per parcel is approximately:	If average slope is:	Average area per parcel is approximately:
10% or less	5 ac.	35%	9 ac.
15%	6 ac.	40%	11 ac.
20%	6 ac.	45%	15 ac.
25%	7 ac.	50%+	20 ac.
30%	8 ac.		

Development Policies — Clustering

R-LU 59

Residential development may be clustered, provided that the open space portions of the development are protected as permanent open space.

R-LU 60

The minimum parcel size within a Rural Residential cluster subdivision shall be no less than 1 acre (density to be determined by 5–20 acre variable slope density formula).

Development Policies — Creation/Expansion of Rural Residential Areas

R-LU 61

The creation of new Rural Residential areas and the outward expansion of existing areas shall not be allowed.

R-LU 62

Parcels may be considered for redesignation to Rural Residential only for the purposes of “infilling” existing Rural Residential areas, provided that they:

- a. are substantially surrounded on three sides by existing Rural Residential areas;
- b. have minimal long term viability for agricultural uses;
- c. are suitable for development on septic systems; and
- d. are reasonably free from natural hazards, constructed hazards, and valuable environmental resources (e.g. hillsides, riparian areas, wetlands).



Other Land Uses

Major Educational & Institutional Uses

Description and Intent

R-LU 63

The Major Educational and Institutional Uses designation is applied to lands belonging to a university, religious order, or private institution, used as a place of learning, an academic reserve for future university use, a seminary, or a research facility.

STANFORD UNIVERSITY LANDS - see 2000 Stanford Community Plan

Note: Policies R-LU 64 through R-LU 69 pertaining to Stanford University Lands have been deleted from the General Plan. With the adoption of the 2000 Stanford Community Plan, they have been superseded by the Land Use Chapter of the Community Plan. [Note: The 2000 Stanford Community Plan is an adopted part of the General Plan, but it is published as a separate document]. [Amended Dec. 12, 2000; File#: 7165-99GP]

OTHER EDUCATIONAL AND INSTITUTIONAL USES

Description

R-LU 70

Colleges, astronomical observatories, seminaries, and private educational facilities.

Allowable Uses and Development Policies

R-LU 71

New or expanded facilities shall provide all services necessary for their operations and shall be compatible with the land uses in the area in which they are located.

**R-LU 117.1**

Connections to sewers in the San Martin area will be subject to the following conditions:

- a. No sewer connections will be allowed for private projects in the San Martin area until such time as an area-wide plan for infrastructure has been approved by the Board of Supervisors.
- b. Public facilities and services operated by either a public or non-profit agency may be granted a sewer connection without being required to develop a master utility/infrastructure plan if it can be found that such a connection would not induce significant growth within the community.

[R-LU 117 amended and R-LU 117.1 adopted May 9, 1995; File # 5967-95GP]

R-LU 118

Any future development plan of San Martin should include street landscaping standards, setback and sign standards, historical resource policies, policies for undergrounding public utilities, and policies regarding other improvements.

Non-Residential Design Guidelines**R-LU 119**

Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San Martin Community contained within the "San Martin Integrated Design Guidelines."

[Amended Nov. 19, 2015; File#: 10571-15GP]

Industrial Use Permit Area**R-LU 120**

The intent of the Industrial Use Permit Area is to make provision for the maintenance and development of such light industrial uses as are of benefit to the community and environs through the appropriate discretionary permitting procedures. Such uses are allowed in addition to any of those uses which may be allowed within the applicable General Plan designation and zoning district.

- a. a. Light industrial uses may be located only within the Industrial Use Permit Area Boundary. [See map p. Q-22]

- b. New or significantly expanded uses may be established and conducted only upon issuance of a use permit and architecture and site approval.
- c. Heavy industrial uses shall not be allowed. [Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File#: 7200-98GP]

R-LU 120.1

In the vicinity of Llagas Creek, particularly in areas of highly permeable soils, industrial uses should be situated and designed to prevent any form of harmful waste discharges into the creek. These uses should be light industrial in character and have low water usage. The value of the riparian habitat and the beauty of the creek should be maintained and enhanced.

[Amended Mar. 9, 1999; File#: 7200-98GP]

R-LU 121

New or significantly expanded industries may be allowed on septic systems only if they can comply with the current regulations of the County Septic System Ordinance.

R-LU 122

New or significantly expanded industrial uses may be allowed only if served by hydrants and water supply in sufficient volume and pressure for fire suppression.

R-LU 123

New or significantly expanded industrial uses may be allowed only if they can be adequately drained by a storm drainage system. On-site surface coverage should be limited to a small percentage of the total lot area in order to not create significant volumes of runoff waters.



Commercial Use Permit Area

R-LU 124

The intent of the Commercial Use Permit Area is to make provision for the maintenance and development of such commercial uses as are of benefit to the community and environs through the appropriate discretionary permitting procedures. Such uses are allowed in addition to any of those uses which may be allowed within the applicable General Plan designation and zoning district. New or significantly expanded uses may be permitted only on property within the boundary of the San Martin Commercial Use Permit Area and upon issuance of a use permit and architecture and site approval. [See map p. Q-22]

[Amended Mar. 9, 1999; File#: 7200-98GP]

R-LU 125

In vicinity of Llagas Creek, particularly in the areas of highly permeable soils, commercial uses should be situated and designed to prevent any form of harmful waste discharge in the creek. The value of the riparian habitat and the beauty of the creek should be maintained and enhanced.

[Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File# 7200-98GP]

R-LU 126

Eligibility of certain properties for commercial development should be based on consideration of their location, traffic flow, and proximity to residential and other commercial uses, among other factors. Proposed uses which contribute to the enhancement of the commercial village core area shall be encouraged.

[Amended Mar. 9, 1999; File#: 7200-98GP]

R-LU 127

New commercial land uses within the commercial or industrial use permit areas shall be sized to be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses

which provide support services for agriculture or commercial needs of the residents of San Martin.

[Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File#: 7200-98GP; Nov. 19, 2015; File#: 10571-15GP]

R-LU 128

All development in freeway interchange areas shall rigorously comply with the San Martin Non-Residential Development and Design Guidelines, and shall be designed to enhance the scenic quality of Highway 101.

R-LU 129

Those types of commercial uses which generate high volumes of sanitary waste waters, for example motels and restaurants, should not be allowed to develop on septic tanks, unless provision can be made for special treatment devices in conjunction with and compliance with County septic tank regulations and specific approval by the Regional Water Quality Control Board officials. No new septic systems should be developed in the highly permeable soils of Llagas Creek.

[Amended Dec. 5, 1995; File #: 6009-95GP]

R-LU 130

New or significantly expanded commercial uses may be allowed only if they can be served by an adequate storm drainage system.

R-LU 131

Prior to establishment or expansion of a commercial use, an assured, dependable, and adequate water supply both in volume and pressure for fire suppression shall be demonstrated for the specific use.

R-LU 132

Future extensive development of commercial land uses should only occur when the full range of service infrastructure has been provided. The standards and guidelines for the amount of commercial land use would be established in conjunction with an urban density land use and development plan for the area.