

County of Santa Clara  
Department of Planning and Development



73824

**DATE:** October 16, 2014  
**TO:** Housing, Land Use, Environment, and Transportation Committee (HLUET)  
**FROM:** Ignacio Gonzalez, Director, Department of Planning and Development  
**SUBJECT:** Modifications to "Local Serving" General Plan Policies

**RECOMMENDED ACTION**

Consider recommendations from the Department of Planning and Development relating to proposed modifications to County General Plan policy R-LU57 and associated Zoning Ordinance regulations that require commercial, industrial, and institutional uses in the rural areas to be "local serving" for local residents.

**FISCAL IMPLICATIONS**

There are no potential impacts to the County General Fund as a result of accepting this Report.

**CONTRACT HISTORY**

Not applicable.

**REASONS FOR RECOMMENDATION**

The County General Plan and Zoning Ordinance contain policies and regulations that are intended to limit the size, scale and intensity of development within the rural areas of the County. These policies are based upon the foundational goals of the General Plan to preserve open space, natural resources, and agricultural areas of the County from urban development.

For the Rural Residential zoning district, the General Plan only allows commercial, institutional, and industrial uses where they serve the needs of the local rural residential population. This restriction is principally encapsulated within General Plan policy RLU-57, which states:

“Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.”

Correspondingly, the County Zoning Ordinance contains similar language regarding commercial, institutional, and industrial uses in the Rural Residential Areas. Section 2.20.020 (D) defining Rural Residential Uses states:

“Commercial, industrial and institutional uses may be established only where they serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents.”

Similar language is included as a footnote to Table 2.20-1 of Zoning Ordinance which defines what uses are allowed in all rural areas:

“The use shall be limited in scale and shall primarily serve the local (rural) community. The location shall be accessible and convenient to the local population to be served.”

In practice, this set of policies and ordinances are implemented through an evaluation of the size, scale and intensity of development in relation to typical or historical demand for the development by the resident rural population. Proposed development is benchmarked against existing locally serving development in terms of building size, building bulk and the intended number of customers or users of the facilities.

This practice accomplishes the ultimate goal of these policies and ordinances to ensure that supporting commercial, institutional, and industrial uses are not in conflict with primary rural uses such as agriculture and do not significantly undermine rural character including; aesthetics, biological resources, open space, noise, traffic intensity and population density.

However, this existing practice is not fully reflected in language of current policies and ordinances. The “resident population” language found in R-LU57 and Zoning Ordinance 2.20.020 can be misconstrued as establishing residency requirements for customers or users of development.

With respect to R-LU 57’s existing requirements for an overall net traffic reduction resulting from the development, computing net traffic effects is often speculative and is not an ideal basis for evaluating a projects’ consistency with the General Plan. Furthermore, analysis of user origins can be misconstrued as supporting a regulatory framework based on the origins of customers and users of new development rather than on a project’s compatibility with surrounding uses.

Modifying these policies would also help ensure that the County’s land use regulations are consistent with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), which restricts the kind of land use regulations that local jurisdictions may impose on religious institutions. Policies based on an analysis of a project’s compatibility with surrounding uses rather than origin of patrons will help ensure that the County complies with the requirements of RLUIPA.

Staff proposes modifying County General Plan R-LU57, and Zoning Ordinance 2.20.020 to eliminate language that restricts the residency of patrons of commercial, institutional, and industrial uses in rural areas to persons living in those rural areas. Instead, staff proposes to incorporate language into RLU-57 and the corresponding regulations that address the “size, scale, and intensity” of facilities, consistent with current practice.

Moving forward, staff will further evaluate the range in the size, scale, and intensity of existing and permitted commercial, industrial, and institutional uses in rural uses, draft proposed language replacing R-LU 57 and associated Zoning Ordinance provisions, and conduct public outreach regarding the proposed modifications to the County General Plan and Zoning Ordinance. Staff will ensure that the policy approach and standards are consistent with General Plan and overall County growth management policies. This will include a review of current zoning ordinance sections and County policies relating to local serving requirements. The proposed amendments will be provided to the Planning Commission and subsequently, the Board of Supervisors for consideration, recommendation, and approval. Staff estimates that the proposed amendments will be available for consideration by the Planning Commission and Board by February, 2015.

### **CHILD IMPACT**

The recommended action will have no impact on children and youth.

### **SENIOR IMPACT**

The recommended action will have no impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have positive sustainability implications by updating the County General Plan and Zoning Ordinance to reflect current growth management policies, and applying the size, scale, and intensity of rural development to the policies.

### **BACKGROUND**

The Planning Office is initiating this proposed General Plan and Zoning Ordinance amendment to ensure consistency with current County practice as well as federal law. There are a number of Use Permit applications in process to establish or expand religious facilities that are affected by the current General Plan and Zoning Ordinance policies.

### **CONSEQUENCES OF NEGATIVE ACTION**

The HLUET Committee will not accept the Report. The Administration will revise the report as directed by HLUET.

### **STEPS FOLLOWING APPROVAL**

The Department will draft the proposed text for the General Plan and Zoning Ordinance amendments, conduct public outreach, and provide the proposed amendments to the Planning Commission and Board of Supervisors for review and approval.