

Subdivision of Split-Zoned Parcels

PURPOSE

To establish consistent interpretation of the County General Plan and Zoning Code provisions regarding the subdivision of a parcel where the parcel is covered by more than one base zoning district (split-zoned property).

GENERAL

The General Plan and Zoning Code provide land use designations and residential densities that determine whether or not a parcel may be subdivided and, if so, the maximum number of parcels that may be approved. It also establishes minimum parcel sizes and other standards that may determine the configuration of these new parcels. In some cases, the designations and/or densities do not follow parcel boundaries, resulting in some confusion for both property owners and staff regarding the subdivision potential. This policy and procedure is intended to provide guidance to staff and the public regarding the subdivision potential on split-zoned parcels. Applicants who wish to vary from these guidelines should be advised of their option to file for a General Plan Amendment and/or Zone Change and of the risks that they face in obtaining approval of these entitlements.

AUTHORITY

The State Subdivision Map Act and the County Subdivision Ordinance require that, in order for a subdivision to be approved, it must be found consistent with the General Plan and Zoning Ordinance.

PROCEDURE

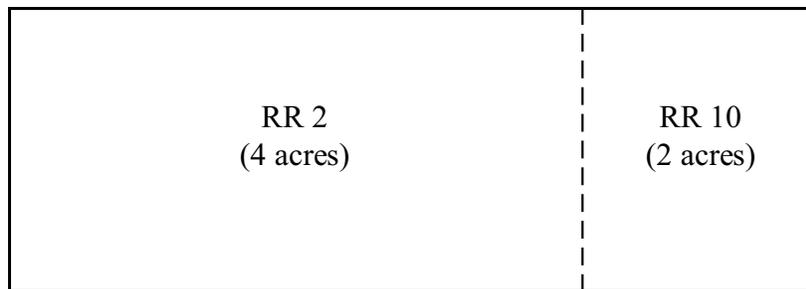
Prior to the decision making body's approval of a subdivision of property with split zoning, the project planner will analyze the consistency of the proposed subdivision with the General Plan and Zoning Ordinance utilizing this policy. The decision making body shall include a consistency finding in its approval document.

In cases where the determination of consistency is based upon an estimate of the acreage under each zone or density, the subdivision approval should be conditioned upon determination by a land survey showing that sufficient acreage exists to confirm the consistency finding.

In order to determine whether or not a split-zoned parcel may be subdivided, the acreage of each portion of the parcel under each zone or density must be estimated and/or surveyed.

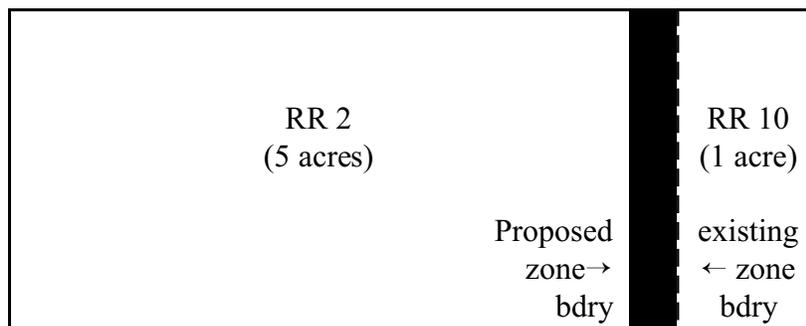
A. The first test for subdivision potential is to determine whether the acreage under either zone or density is sufficient, by itself, to allow subdivision. If this is the case, then the entire parcel is dividable based upon the applicable density. In these cases, the parcel shall be divided along the zoning boundary.

1. For example, a six acre parcel is zoned as follows: RR 2 acre density (1.5 acre minimum lot size) on 4 acres and RR 10 acre density (1.5 acre minimum lot size) on two acres. In this case, the 4 acres zoned RR 2 could result in a two way division, but the two acres zoned RR 10 cannot be divided. As a result, the entire 6 acre property is eligible for a two way division. This division must follow the zoning line between the RR 2 and the RR 10, and a rezoning should be recommended to the B7 zone as a condition of approval.



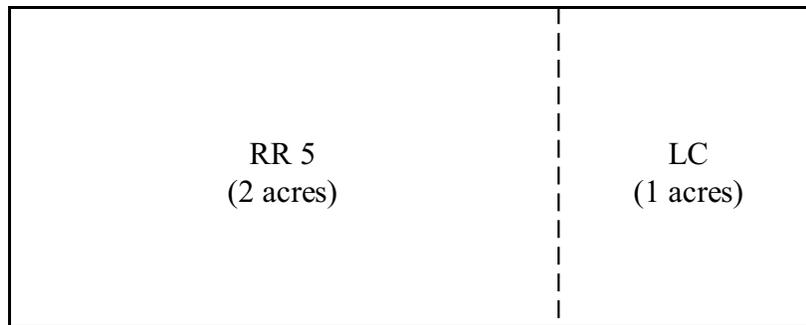
The subdivision potential is two lots, one lot on either side of zoning boundary

2. A variation on this example involves a smaller portion of the lot zoned RR 10 and this smaller portion cannot meet the minimum lot size (1.5 acres). In this case, the parcel can still be divided based upon the density in the larger portion, but the new lot line must be conditioned upon the appropriate General Plan Amendment and Zone Change to reflect the new lot line.



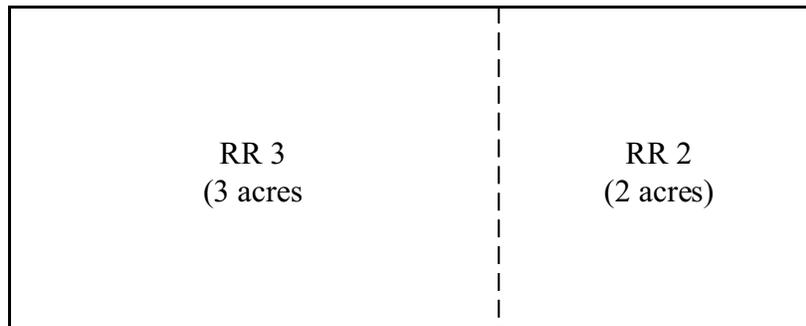
The subdivision potential is two lots, one on either side of the zoning boundary provided that the zoning boundary is revised with the appropriate GPA and ZC approval.

3. Another example is a three acre parcel with one acre zoned LC with a minimum lot size of 8,000 square feet on sewer and water (commercial parcels do not have a designated “density”) and 2 acres zoned RR 5 acre density. In this case, the RR portion could not be divided, but the LC portion is eligible for a 5 lot subdivision due to the 8,000 square foot minimum lot size. Therefore the entire parcel is eligible for a five lot subdivision with one of the lots corresponding to the RR portion of the parcel.



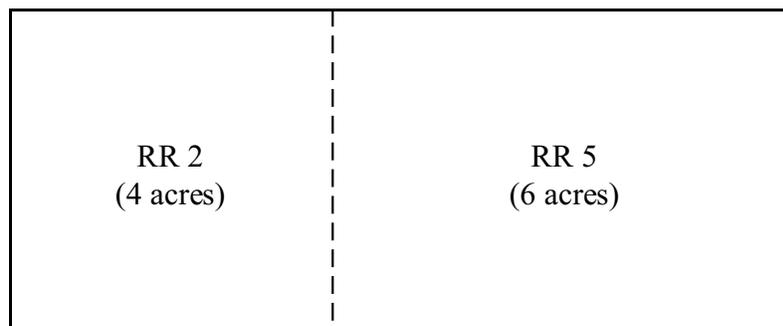
The subdivision potential is five lots, one on the RR side and four in the LC area

- B. If subdivision is not possible under the first test above, then the only remaining potential for subdivision exists if the acreage under each zone independently meets the density and minimum lot size of the applicable zones.
 1. For example, a five acre parcel is zoned as follows: RR 2 acre density (1.5 acre minimum lot size) on 2 acres and RR 3 acre density on three acres. In this case, the parcel does not meet the first test as described above because neither the 2 acre area nor the 3 acre area could independently be divided. However, since each of the 2 and 3 acre portions meet the applicable density and minimum lot size, the parcel is dividable into two parcels along the zoning boundary. The division shall follow the zoning line between the RR 2 and the RR 3.



The subdivision potential is two lots, one on either side of the zoning boundary.

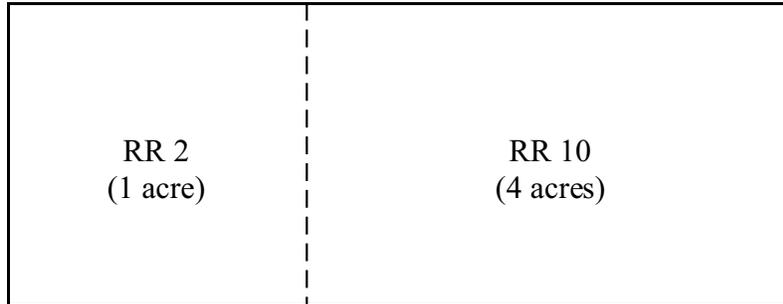
- C. If a parcel meets both the first and second test above, then subdivision potential exists not only along the zoning boundary, but also within the portion that is independently dividable.
 - 1. For example, a ten acre parcel is zoned as follows: RR 2 acre density (1.5 acre minimum lot size) on 4 acres and RR 5 acre density (1.5 acre minimum lot size) on 6 acres. In this case, the 4 acres zoned RR 2 would allow two lots and the 6 acres zoned RR 5 meets the density and minimum lot size parameters. As a result the property can be divided into three lots, with one lot line corresponding to the zoning line and the other two lots within the 4 acre portion zoned RR 2.



The subdivision potential is three lots, one in the RR5 and two in the RR2 portions.

- D. If a split zoned parcel does not meet any of the above tests, then it is not dividable.
 - 1. For example, a five acre parcel is zoned as follows: RR 2 acre density (1.5 acre minimum lot size) on 1 acre and RR 10 acre density (1.5 acre minimum lot size) on four acres. In this case, neither portion of the parcel can be divided under its own density (see A above) and the 1 acre parcel cannot meet the minimum lot size. As a result, the entire 5 acre property is not eligible for

a division.



There is no subdivision potential.

ATTACHMENTS

None

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Author: Greg Carr

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