

ISSUE NO. 1

LARGE-LOT ZONING

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Most undeveloped land in the unincorporated area is zoned for lots of ½ acre, 2 acres, 2 ½ acres, 5 acres, and larger. Except where the market can support expensive “equestrian” homes, these minimum lot sizes make conventional residential development infeasible financially. The cost of required public improvements cannot be “spread” over enough lots to keep the cost per lot affordable.

#### CHOICES

Owners of this land have the following choices:

1. Ask the County to rezone the land for smaller lots, making it developable and enhancing its marketability.
2. “Hold” the land as is in the hope that the County eventually will lift the lot-size restrictions; continue to pay the associated holding costs: property taxes, water standby charges, improvement-district assessments, annual maintenance expenses, etc.
3. Abandon the property (as too many have been doing), or
4. Try to engage in lower-cost lot splits or other parcel-map land divisions permitted by the State, offering the resulting parcels for sale as “rural homesites” or “investment properties.”

#### REZONINGS

Large-lot zoning originally was intended as a “holding” zone. Rezoning to higher densities customarily were approved as areas became “ripe” for development. Nowadays, however, large-lot zoning is viewed as an end in itself and rezoning applications frequently encounter intense opposition.

In many instances, then, rezoning no longer is a realistic choice, either for the landowner or a prospective homebuilder. Where success is doubtful, few are willing to go through the time-consuming and costly rezoning process. As a consequence, homebuilders bypass “difficult” large-lot areas, and the county’s supply of buildable land is reduced accordingly.

#### ABANDONMENT

There are relatively few large landholdings. Most of the county’s undeveloped land consists of small ownerships ranging mainly from 10 to 80 acres. And the owners of these properties generally do not have substantial financial “staying power”.

So long as their land remains "in play" and its economic potentials are not foreclosed, most owners try to "hold" their large-lot properties despite the expense involved. But if it becomes clear that their zoning cannot be changed and there is little prospect of developing or selling their land, many are forced to abandon their property. Yet more often than not these are family investments that have been held for a long period of years.

Property abandonment not only hurts the owners, it helps depress area property values and diminishes the public tax and assessment base. The property tends to become an eyesore cluttered with trash, and it no longer produces tax or assessment revenue.

### LAND DIVISIONS

Under large-lot zoning, it is sometimes feasible financially to divide the land into relatively big pieces through the parcel-map process and sell or develop the created parcels. Even this lower-cost avenue, however, is being closed increasingly because of mounting public-improvement requirements.

In any event, the parcels produced almost always result in development of poor quality. They are far too large for most buyers to improve or maintain. As a result, the unimproved portions tend to become storage areas for old car bodies, broken equipment, and other unsightly material.

Because the parcels are so large, and development densities are so low, the tax base created cannot produce enough revenue annually to maintain streets and other public facilities, or pay for needed public services. Also, there are not enough property owners in a given area to raise significant amounts of money through special assessments. As a result, the public infrastructure deteriorates.

As this physical decline continues, the affected areas become permanent wastelands, destroying property values, the public tax base, and homebuilding opportunities.

### HOUSING QUALITY

Large-lot zoning poses quality problems even where the market can support high-priced homes.

Layouts. Attractive residential subdivisions feature curvilinear streets, clustered development, a substantial amount of open space, and common-area amenities. Layouts of this caliber, however, are difficult to achieve if the lots are excessively large.

The lots often have a low market value per acre, and this limits the amount of

money the developer can spend on his street pattern and special features. The large lots, moreover, make it impossible to group the homes closer together, eliminating opportunities to reduce development costs and protect open space.

A frequent result is a grid-like street pattern with few amenities; the developer must spend most of his money on lot production, with little left for the types of refinements common in conventional "planned" developments.

Construction Quality. If a large-lot subdivision offers finished homes, the homes may have to be "cheapened" in order to make ends meet.

Buyers generally are unwilling (or unable) to pay substantial premiums for extra lot area. Hence, in most instances, a builder cannot obtain a much higher price for a home on an oversized lot than he could for the same home on a substantially smaller lot. In effect, the extra lot area is a "give away". Yet, it costs much more to produce the large lot, and something has to "give". Generally, the off-setting savings must come out of the cost of the house. For that reason, homes on large lots are likely to have less floor area, fewer special features, and a lower quality of construction than their counterparts on more conventional lots.

Maintenance. Developers of large-lot projects say that many of their buyers are retired and cannot maintain lots as big as 1, 2 ½, or 5 acres. To put these lot sizes in perspective, it is important to note that the U.S. Capitol in Washington D. C. occupies a 4-acre site!

Sooner or later, many or most of the buyers are forced by finances, age, or infirmity to let some or much of their property "go". When that happens, the portion of their land that is not maintained tends to become overgrown with brush and weeds and used increasingly as a storage area.

As this blight spreads, it feeds on itself. The area becomes a target for illegal dumping and there are growing policing problems. Not enough money can be raised to make needed community improvements. Property values decline and the tax base continues to shrink. Fewer and fewer people are interested in buying into the area or increasing their existing investments. And, if the down-slide cannot be stopped, the project eventually becomes a depressed area and a fiscal burden on the County.

### LOT SALES

Because it is difficult to produce high-quality homes on large lots at a competitive price, some large-lot subdivisions simply offer lots for sale.

In some instances, deed restrictions are imposed on the use of the lots. In other

cases, these quality controls are either absent, not stringent, or not enforced. This is particularly true if demand for the lots is weak or prospective buyers are mainly investors.

In lot-sale projects, then, housing quality can vary widely. A buyer may build an expensive home on his lot only to find construction of low quality occurring nearby. Inevitably, too, some lot buyers who had intended to build never get around to it. In the meantime, they live on the land in "temporary" dwellings.

Other lots may remain vacant indefinitely, encouraging their use as dumping grounds. And, if there are no rules against it, some owners may raise farm animals or engage in marginal businesses with signs on the premises.

Thus, large-lot developments offering lots for sale may have "unzoned" environments in which residential quality is uneven and unstable and investments are unprotected.

#### ENVIRONMENTAL IMPACTS

Large-lot projects do the greatest environmental damage. They convert much more land to urban use than do higher-density developments, and they expose all of the affected land to human access and use. Each lot must be of the size specified, densities cannot be averaged, and development cannot be "clustered". Yet clustering minimizes the need for grading, reduces public-improvement costs, maximizes open space, and does the least harm to plant, wildlife, and other ecological values.

Large-lot development also promotes excessive per-capita water use and makes sewerage infeasible. The large lots usually cannot be sewerage, either at the outset or in the future. They require too much lineal footage of sewer line, and the cost of the lines and associated treatment facilities cannot be spread over enough lots to make sewerage practical financially. Thus, as time passes and more unsewered development occurs, there are growing threats to groundwater resources, the public health, and the residential quality of the area.

#### CITY EXPANSIONS

For cities to grow, they must be able to extend their public infrastructures outward. The cities must demonstrate to the Local Agency Formation Commission (LAFCO), for example, that they will have enough financial capacity to provide the roads, water and sewer systems, and other public facilities and services necessary to support their proposed annexations.

Yet areas in which oversized lots have been required generally lack the tax and assessment bases necessary to finance those costs. As a practical matter, then,

cities that have allowed their peripheries and Spheres of Influence to become zoned for large-lot development may find their growth avenues blocked.

#### SHORTAGE OF BUILDABLE LAND

The inventory of land zoned for large lots is contributing to a growing shortage of buildable land. That shortage is driving up homebuilders' land costs and forcing them in turn to increase their home prices.

As discussed under ISSUE NO 2 (URBAN LIMIT LINES), these rising home prices will have severe economic and social consequences if the upward trend continues.

#### QUESTIONABLE LEGALITY

Requiring lots of excessive size is at least arguably illegal. Whether or not a legal case technically can be made, the zoning clearly treats owners of the land unfairly.

Wherever the market is unable to support homes of a particular type and price level, (i.e., expensive "equestrian" homes), large-lot zoning denies the land-owner the opportunity to develop or sell his land. That would seem to amount to a "taking" of private property for public purposes without compensation, in violation of the Fifth Amendment to the U.S. Constitution.

#### PUBLIC INTEREST

It is one thing to encourage builders to offer large lots to people who want them, can pay a good price for them, and will maintain them. It is another matter to require developers to provide big lots to all comers regardless of the circumstances.

Only a small percentage of buyers can afford (or want) expensive "equestrian" homes. Thus there is no assurance that the zoning of any given area for large lots will lead to development of good quality. To the contrary, the zoning generally can be expected to result in land uses of very poor quality.

It is particularly unwise to use large-lot zoning as a device for controlling growth, preserving open space, or conserving wildlife. Doing so will force owners either to abandon their land, resort to destructive parcel-map land divisions, or seek legal redress, and none of those outcomes is in the public interest.

#### CONCLUSION

There is no acceptable rationale for retaining large-lot zoning. The zoning has lost its original "holding" purpose and is doing great economic damage in areas where market support for large lots is lacking.

Large-lot zoning must no longer be imposed on areas or properties unless it is requested and justified by those who own the land. The County should also initiate rezonings of existing large-lot areas on grounds that doing so is a public imperative.