

Santa Clara County

**Viewshed Analysis
and Report**

April 5, 2005

A Report to Board of Supervisors on the
"Viewshed / Greenbelt Areas"
Work Plan Item #10-19,
Board Meeting of April 19, 2005

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Part 1. Introduction

1.1. Work Plan Item Description

This report to the Board of Supervisors presents the work of the Planning Office in response to the Work Plan Item #10-19, "Viewsheds & Greenbelt Areas." It contains preliminary recommendations and options for the Board's consideration for furthering the goals of the General Plan regarding viewshed protection.

The text of work plan item #10-19 is as follows:

"Viewsheds and Greenbelt Areas: Review appropriate means of furthering County policies to protect viewsheds, hillsides, ridgelines, and greenbelts from impacts of development. Includes (a) priority-setting studies, (b) measures focused specifically on ridgeline and hillsides protection, and (c) possible greenbelt studies with Morgan Hill and others [cities] concerning land use preservation methods.

Description: Scenic resource protection and related goals and policies of the current General Plan define this general subject to be a significant component of maintaining the quality of life of the County, both for natural resource conservation and viewshed protection. Additional studies are necessary before priorities and recommendations can be made concerning the need for additional policy and/or regulations and the extent of their applicability. Morgan Hill has requested assistance with a "greenbelt study" for lands surrounding that city. Staff recommends that the Morgan Hill greenbelt study be the priority for further interjurisdictional efforts. Additional preliminary studies should be conducted focusing on GIS mapping and data analysis for identifying other priorities and areas of focus. (Note: Coyote Greenbelt implementation is already an ongoing part of the Planning Office work plan and therefore is not repeated here. See work plan item 9-04.)"

This report also responds to the referral of February 10, 2005, considered at the Board's March 1, 2005 meeting, which required that a report be prepared and presented to the Board at its April 19, 2005 meeting date. That referral also states a need for stronger and more uniform regulations and clear development standards regarding visual impacts of development to provide guidance to developers, decision-makers, staff, and the public.

Work done to date on this work plan item by the Planning Office includes significant participation in the Morgan Hill Urban Limit Line/Greenbelt study (the Morgan Hill "pilot project"). It has also included coordination with the City of San Jose's Coyote Valley Specific Plan. During the latter part of 2004, staff has concentrated on preparing the countywide viewshed analysis, pursuant to developing a set of countywide recommendations and options for the Board's consideration.

Several status reports have been prepared and presented to the Housing, Land Use, Environment, and Transportation Committee (HLUET) of the Board, most recently in May of 2004, and October of 2003. These were based in part on numerous reports and presentations made to the Morgan Hill advisory committee.

1.2. Organization of Report

This report includes the following major components:

- historical context of open space/viewshed planning and preservation efforts in Santa Clara County;
- discussion of applicable General Plan goals and policies;
- a countywide viewshed mapping analysis using the Planning Office GIS, based on the Morgan Hill mapping analysis;
- recommendations for furthering countywide viewshed protection, based partly on the Morgan Hill “pilot” study and an assessment of current County development procedures, such as building site approval, grading permit, design review, and building permit processes as applied in hillside areas;
- survey of best practices and model ordinances of other jurisdictions, and
- a discussion of fiscal implications, staff resource impacts, and related implementation issues.

The report also contains an appendix summarizing staff research on the ordinances, policies, and programs of other jurisdictions regarding viewshed protection, within Santa Clara County and other jurisdictions.

1.3. Definition of Key Terms and Fundamental Issues

1.3.1. Viewshed Terminology

The term “viewshed” typically refers to the hillside and mountainous lands generally visible from a populated area. Historically, Santa Clara County has defined viewshed areas as the hillsides visible from the main Santa Clara valley floors, for both the north valley and south valley areas. [Note: The divide between north and south Santa Clara valleys is generally defined as the Coyote narrows, adjacent the Tulare Hill, at the northern end of Coyote Valley]. A viewshed area can also be divided into primary (first ridge) and secondary areas of visibility, depending on the distance from the valley floor, and for purposes of implementing land use controls. Santa Clara County has employed this distinction in this past.

1.3.2 Viewsheds Are Important for Quality of Life/Sense of Place

The viewshed lands provide a dramatic natural setting or backdrop for the urbanized areas of the County, both north and south. In recognizing and protecting its viewsheds and scenic resources, Santa Clara County is not alone among metropolitan areas of the western United States. Many other cities and counties in the Bay Area, the state, and the western U.S. share a similar appreciation for the value of their scenic natural settings.

Viewsheds are important for the overall quality of life and sense of place they provide. The conservation of viewshed lands also helps achieve other related goals:

- conservation of open lands not intended for urbanization by cities (outside Urban Service Areas, and long term or permanent Urban Growth Boundaries,
- conservation of natural resources and habitats, including threatened and endangered species,
- limiting public exposure to natural and geologic hazards to development,
- parks and recreational opportunities close to the urban areas,
- heritage resource preservation, and,
- protection of water quality.

1.3.3. County Goals/Policies Strive to Maintain Natural Appearance of Hillsides

The goals of the General Plan related to scenic resource protection are contained in the Vision of the Plan. They address the need for development in rural areas that will maintain rural character and preserve the natural beauty of the environment (Goal 5.1a, p. A-10). The strategies and policies of the General Plan seek to minimize visual impacts of development within the viewshed, and to maintain as much as possible the natural appearance of the hillsides.

The policies of the Scenic Resources section of the General Plan's Resource Conservation Chapter provide the most specific direction regarding viewshed and hillside development, including subdivisions. These are contained in pages O-49 to O-51 of the General Plan, and are further discussed in Part 4 of this report.

1.3.4 Viewshed/Open Space Planning Can Mitigate, but Does Not Prevent Development or All Visual Impacts

The County's goals and policies take into account the fact that some form of land use and development may occur on rural parcels, particularly residential use. For many parcels within the viewshed, eliminating visual impacts of development is not possible. New homes, accessory buildings, roads, driveways, water tanks, and fences will be built and are allowed on each separate legal lot, subject to complying with all applicable ordinances and standards. Some parcels offer options for siting or placement that can minimize visibility, and some do not, but each will have site-specific issues.

There are also important area differences. The lands of the Diablo Range typically have much less natural vegetative cover and far fewer stands of trees than much of the Santa Cruz Mountains. For that reason, development in the hillsides of the Diablo Range can often appear to be in much starker contrast to the natural hillsides. Whatever the specific characteristics of the area or a particular parcel, County policy stipulates that rural development should not take place in such a way as to create major or lasting visible scars on the landscape or a major negative visual impact from the Valley floor.

1.3.5 Regulation of Viewshed Development a Focus of this Report, In Context of Other Protection Strategies

The regulation of rural development visible from the valley floor for visual and environmental impacts is a particular focus of this report on viewshed protection, but it

is not the only focus. The County achieves viewshed protection and open space preservation on a countywide basis through a variety of important strategies, with multiple implementers, and the coordinated efforts of many jurisdictions. Part 2 of this report will provide additional explanation of the historical context of open space planning in Santa Clara County, and an overview of the comprehensive strategies for open space and viewshed protection outlined in the General Plan.

Part 2. Historical Context and Policy Background

2.1. Historical Planning Context

Open space preservation has been an important consideration of long range planning in Santa Clara County for many decades. One of the earliest General Plan land use maps of record, from 1960, envision the county's future urban development confined to the valley floor, agricultural lands as urban buffers. The hillsides framing the valley and the more remote mountainous lands are designated for low density, open space uses.

In the 1960s and early 1970s, the cities and County engaged in extensive joint planning to grapple with the issue of rapid growth and urban sprawl. From these efforts, including the Planning Policy Committee and Intergovernmental Council, emerged a landmark planning policy agreement. The "Urban Development/Open Space Plan" or UD/OS, of 1973, was the County's first open space action plan, and culminated years of cooperative planning to adopt a "city-centered" or infill urban development policy for Santa Clara County. Henceforth, urban development would only be allowed within cities. Rural lands outside cities would be conserved for natural resource protection.

By the mid-1970s, the Local Agency Formation Commission (LAFCO) had established formally adopted Urban Service Areas (USAs) for all the 15 cities. By 1980, the County had adopted a comprehensive General Plan, which had as its fundamental growth management policy the stipulation that urban forms and densities of development must occur within city USAs. USAs should not include lands unsuited to urban development, including hillsides and mountainous lands. Rural unincorporated lands outside USAs would be reserved for resource conservation, agricultural uses, and very low density development. This joint policy with the cities and LAFCO remains the cornerstone of urban growth management policy for Santa Clara County. It is the basis for rural land use designations, zoning, and for urban island annexation and development policies, as well.

Santa Clara County park planning efforts also evolved during this time period from the 1970s to establish a vision of County-maintained regional parks surrounding the growing metropolitan areas. The metaphor was a "necklace of regional parks," referring to an image of a string of major parks and public open space lands ringing the north valley floor from Palo Alto south to San Jose and back northwards to Milpitas and the Alameda County boundary. The same basic concept has been applied to hillside lands of South County. The County's current Regional Parks Plan map of the General Plan retains the necklace of parks concept and builds upon it. The ongoing acquisition

efforts of the County Parks Department and other agencies has been and will continue to be an important component of viewshed preservation and recreation planning.

2.2. The 1987 "Open Space Preservation 2020" Task Force and Report

In the mid-1980s, the County and cities sponsored an open space planning study that was the first of its kind for Santa Clara County. The resulting "Preservation 2020" report was the first comprehensive open space planning study of its kind conducted by the cities and County. It divided the county into some 40 planning study areas and prioritized those areas in order of importance for viewshed preservation, habitat conservation, recreational value, agriculture and grazing, and other factors.

The most important recommendation of the 1987 "Preservation 2020" report was that Santa Clara County should form and fund an open space acquisition agency similar to the Midpeninsula Regional Open Space District (MROSD). The study's other recommendations built upon the major goals and policies of the 1980 County General Plan, but most importantly, it focused significant attention on the importance of permanent preservation of open space through acquisition. As a result of that study, the Santa Clara County Open Space Authority became a reality in 1993, and it now owns 10,936 acres of open space lands, including conservation easements.

This Planning Office work plan report represents the first major evaluation of viewshed preservation efforts conducted by the County of Santa Clara since the publication of the 1987 Preservation 2020 Report. The County updated and revised its General Plan in December 1994 (the 1995 General Plan), including revised policies and many implementation recommendations on the subject of open space planning and scenic resources preservation. Many of those implementation recommendations have been carried out, while others efforts are just now underway, such as a regional habitat conservation plan, or HCP. To provide a structure for the report's evaluation and recommendations, the next section summarizes the Open Space Action Program.

2.3. The County General Plan "Open Space Action Program"

State law requires that each general plan include an "Open Space Action Program" to indicate how a jurisdiction will implement its open space element goals and policies. Within the 1995 Santa Clara County General Plan, the "Action Program" is Appendix #4. Its most important function is as an overview of the strategies, policies, and implementing actions of the County General Plan for open space preservation generally, as well as for viewshed protection.

The five main strategies of the "Action Program" are the hierarchical framework and building blocks of future preservation efforts. The strategies are as follows:

Strategy #1: Continue countywide urban growth management and Joint Urban Development Policies.

Strategy #2: Regulate allowable uses and densities of development (for rural areas).

Strategy #3: Provide economic incentives to private landowners.

Strategy #4: Acquire open space for parks, wildlife refuges (habitat), and other open space uses.

Strategy #5: Conduct special studies, area planning, and assessment of projects under CEQA.

Under these strategies are a great many individual means of implementation. However, the significance of these strategies lies not so much in the many detailed ways the County implements them in daily functions of the Planning Department, and other agencies, but in their overall significance.

The three most important and noteworthy aspects of the County's "Open Space Action Program" and strategies are that:

- the County General Plan is not lacking a comprehensive, long range set of strategies for open space preservation and viewshed preservation, with each strategy building hierarchically upon the foundation of the urban growth management policies of the cities, County, and LAFCO;
- the County's plan is truly a regional plan, with multiple implementers, and significant roles for many entities and agencies to play; and,
- the goals, strategies, and policies of the General Plan for open space and viewshed preservation have a long history, enjoy broad public support, and provide a platform or basis on which the County may continue to build.

The five strategies also provide the organization for the recommendations of this report.

Part 3. Viewshed Mapping, Analysis, and Evaluation

3.1. GIS Viewshed Mapping Process

The centerpiece of this countywide viewshed report is a mapping analysis made possible through the Planning Office's Geographic Information System (GIS). Previous studies and evaluations of viewshed and scenic corridors, including mapping efforts, have had to rely on basic topographic contour information and some guesswork to generally estimate the extent of areas visible from the valley floor. Through GIS, viewshed mapping and analysis is not only more accurate, but it also provides the County with an indication of the relative degree of visibility of hillsides. It also allows the overlay analysis of data on public and incorporated lands.

The countywide viewshed mapping presented in this report builds upon the work done for the Morgan Hill Urban Limit Line/Greenbelt Study ("pilot project"), a planning study initiated by the City in which the County has participated. In this project, the County Planning Office developed a methodology for mapping the Morgan Hill

viewshed that divided the study area into sub-areas, to allow for more focused examination of the various hillside areas and parcel patterns surrounding Morgan Hill.

For the countywide mapping analysis, staff divided the entire county into ten (10) evaluation areas, five on the east, and five on the west of the valley floor. Ten subareas allows for meaningful map analysis and display, without creating an overwhelming number of subareas.

The GIS viewshed analysis utilizes digital elevation data of the U.S. Geologic Survey (USGS). In each subarea, a grid of vantage points was assigned throughout the valley floor or flat land portions of each subarea, at approximately 0.5 mile intervals. Most subareas include hundreds of individual vantage points from which the GIS projects a "line-of-sight" into the adjacent hillsides. The GIS then compiles the results of this analysis for each subarea to show what portions of the surrounding hillsides are visible from the collection of vantage points selected. Vantage points are established at an elevation five feet above ground to approximate the average height of an individual.

The relative visibility of these viewshed lands is ranked according the percentage of total vantage points from which a particular portion of the hillsides can be seen. Hillside elevations visible from 75% or more of all vantage points are ranked as having the highest overall visibility, depicted in red. Those visible from 50-75% of all vantage points are included in the next category of relative visibility, and so on.

County GIS data layers and elevation models do not contain information regarding man-made land features, such as buildings, overpasses, billboards, and bridges, or vegetative cover, including trees. Therefore, a person standing at any given vantage point might have their vision of the hillsides obstructed in some directions by structures and trees, but not in all directions. Likewise, a piece of land within the viewshed may contain tree cover that will obscure various portions of that parcel from view. Any methodology has some limitations, but no other tool provides the mapping and analysis capability for viewshed studies that GIS provides.

For each subarea, staff prepared a series of three maps:

- the first depicts all hillside lands visible from the valley floor;
- the second iteration of each subarea map masks or eliminates those areas in city jurisdiction, i.e., lands not under the regulatory jurisdiction of the County; and,
- the third iteration excludes publicly-owned lands of the federal, state, or local governments, such as MROSD, County Parks, State parks, and others, on which some minimal development may occur, such as recreational facilities or trails, but not private development.

Through this process of elimination, the resulting maps show the privately-owned, unincorporated lands that are the subject of County land use and regulatory authority. The analysis also allows for an estimation of the percentage of each subarea that has been acquired for permanent open space preservation, among other types of analysis using existing data.

Within certain zones of analysis, some hillside lands are shown as being visible from the valley floor on the basis of elevation, such as Stanford University hillside lands, that are

not the subject of this study. Stanford lands are addressed under the Stanford Community Plan, and more specifically, the viewshed-related provisions of the Open Space/Field Research Zoning District. The Los Altos and Los Altos Hills urban unincorporated areas are also not the subject of this report.

[Note: The subject of this work plan item, viewshed protection, and the mapping analysis provided, focuses on the traditional definition of viewsheds, hillsides generally visible from the urbanized areas of the valley floor. There are other subjects related to viewshed analysis, such as scenic highway corridor studies, to which the same methodology can be applied, but which were not the primary subject of this study. Viewshed analyses of individual road corridors would generally be conducted in the context of scenic highway designation studies, which are not within the scope of this work effort. However, the methodology is easily applied to corridor studies using a series of vantage points along a line segment].

3.2. Observations from Mapping Analysis

The subareas of the north and central Santa Cruz Mountains contain the highest percentages of publicly-owned lands, due to the longer history of acquisition efforts by both public and private entities. In fact, within Subareas 1, 2, and 3 the North, Central and South Central Santa Cruz Mountains, a significant percentage of the viewshed area is within city limits or under public ownership. In Subarea 3, a substantial amount of acreage within the viewshed is under San Jose jurisdiction. The subareas with the greatest percentage of private, unincorporated lands are Subarea 7, the San Jose East Hills, and 10, the East Gilroy Hills.

All areas contain some percentage of highly visible viewshed lands. One of the challenges of defining what lands constitute the primary viewshed of the valley floor is the fact that for some subareas, the viewshed can be defined by a readily discernable ridge or series of ridges. Other areas have more complex topography, with some isolated hillsides visible beyond the most immediately adjacent hillsides.

Another consideration in determining what viewshed lands to prioritize for protection measures is that with previous studies, such as the West Valley Hillsides Preservation Study, only the viewshed areas closest to the valley floor were selected for “-d1” zoning. More remote hillsides near the Santa Cruz Mountains summit were excluded, the reason being primarily that the more distant the parcels, the less visual impact development has due to perspective. As part of the follow-up to this initial report on the work plan item, staff will prepare more detailed maps delineating primary and secondary viewshed areas for each subarea, including cadastral or parcel information.

In summary, the relative amount of incorporated lands within the viewshed has been constant over the last 25 to 30 years, subsequent to the establishment of Urban Service Areas. The most significant trend has been the increase in the amount of land acquired by public agencies in the last 25 years. Nevertheless, some subareas are lacking significant publicly-owned lands. Future acquisition efforts by public and private nonprofit agencies may in time come to focus more upon these areas, depending on the market availability and cost of such lands. Another prospect involves acquiring conservation or open space easements for the development rights or a portion thereof

for private property. Land does not have to be publicly owned in fee in order to secure preservation of open space or viewshed protection.

3.3. Trends in Rural Viewshed Development

3.3.1. Subdivision Controls Have Evolved to Limit New Lot Creation

County policies and regulation toward rural land use and development have evolved over time in response to development trends. For example, as the public and County leaders observed rural subdivision patterns of the 1960s and 1970s, concerns grew over the County's low minimum lot sizes for rural hillside and agricultural lands. There were no policies or land use controls requiring hillside clustering through subdivision, and the extent of road development in hillsides to serve a relatively few, scattered lots was often excessive.

To counter these trends, the County adopted the 1980 General Plan and its Land Use Plan designations. It increased minimum lot sizes, limited permissible uses to those appropriate to rural areas, and ended small lot hillside subdivisions. However, unregulated subdivision and low minimum lot sizes in the decades leading up to the 1980 General Plan resulted in a high number of non-conforming lots throughout the rural hillside and agricultural areas, i.e., lots smaller than the densities and lot sizes of the General Plan would currently require.

The hillsides were designated for low density residential development, agriculture, and natural resource related uses under the Hillside and Ranchlands designations of the 1980 General Plan, with accompanying zoning districts adopted in the early 1980s. Minimum lot sizes are between 20 to 160 acres in Hillside areas, depending on slope, and clustering and open space dedication are required for subdivisions of three lots or more. With most of the privately owned viewshed lands under the Hillside designation, the subdivision rate of viewshed lands has been significantly reduced. Some subdivisions are still proposed, but with Hillside cluster subdivisions, 90% or more of the land is dedicated as open space. Rural Residential hillside areas are comprised mostly of parcels too small to be further divided.

3.3.2. Development Has Stabilized in Viewshed Since 1980 General Plan

Under the County's low rural densities and Hillside and Ranchland policies regulating subdivision, pressures to subdivide viewshed lands during the last two decades have stabilized. The County regularly receives inquiries regarding subdividing hillside viewshed lands to create urban density subdivisions, but such proposals conflict with General Plan densities and the joint policies of cities, County, and LAFCO limiting urban development to within Urban Service Areas.

The generally undeveloped, natural appearance of much of the viewshed has been largely maintained since 1980, although there are patches of significant hillside development in the viewshed on existing lots. Many such homes pre-date any city or County policy to protect viewsheds. There have also been significant public acquisitions of land within the viewshed to permanently preclude development of those lands.

Overall, if one compares the viewshed landscape of today with that of 20-25 years ago, much remains the same. There remain large expanses of relatively undeveloped lands. The patches of existing hillside viewshed development have not significantly increased. The cities have established stronger policies and Urban Growth Boundaries to firmly convey their intent to not grow further into the hillsides. Land speculation for urban development in the rural unincorporated areas and viewshed is diminished. As long as the County upholds its obligations under the countywide urban growth management policies, land use patterns in the rural hillsides and viewshed lands should remain relatively stable.

3.3.3. Single-site Development Will Continue to be Primary Form of Rural Development

As population growth continues within the urbanized areas, and with the possibility of urban expansion into Coyote Valley, pressures to develop existing lots remain high. Some parcels that were created by subdivisions in the late 1970s, with lots as small as 2 to 3 acres, have only been developed with new homes as recently as the last 5 years. For example, new homes have been built on lots on Bella Madeira Lane in the east foothills in just the last several years, although the County approved the subdivision over 25 years ago. Many observers think such subdivisions and lots must be of recent origin, but no new lots less than 20 acres in the Hillside Land Use designation have been possible since the 1980 General Plan.

3.3.4. Most Easily Developed Lots Have Already Been Developed

By far, most of the private residential development that occurs within rural unincorporated areas, hillsides included, is single-site development on existing lots. These range in size from a few acres to hundreds of acres. More importantly, the most easily developed lots have already been developed with a single-family home, leaving the ones with more development constraints. These constraints include steep slopes, higher costs to develop access roads, significant grading amounts, septic limitations, and geologic and natural hazards. These lots occur in both remote areas and viewshed lands relatively close to urban areas. The more a buyer pays for such lots, and the more engineering and design costs are incurred for development, the more property owners may resist further efforts to mitigate the visual impacts of their developments.

Single-family residential uses are allowed as a matter of right on each legal lot in all rural zoning districts and General Plan designations. Property owners retain reasonable economic value from this use potential, without which many lots would have only agricultural, recreational, or other natural resource value. That does not necessarily mean that all hillside lots are automatically entitled to be developed, since development may depend on septic system limitations, geologic constraints, steep slopes, and other factors.

The long term trend in the overall size of homes in rural areas has been on the gradual increase over time. Small ranch style homes and farm residences are no longer the norm, with larger estate or "executive homes" becoming more common. Over the long term, as land and development costs rise, and fewer lots remain, it is reasonable to

expect that the value of existing viewshed lots will increase, and that one of the primary issues for protection of viewshed lands will continue to be single-site development.

Just as urban growth management policies have evolved, County and city efforts to minimize the obtrusiveness and visual impact of hillside homes and single-site development will continue to evolve. It will involve a balancing private property rights with the goals of the general plan that reflect the broader public interest—to preserve as much open space as possible and maintain the predominantly natural appearance of hillsides that form the viewshed of the urbanized areas. In Part 4 of this report, staff will summarize the County's specific land use controls over single site development in the viewshed, discuss their general effectiveness, and how they might be made more effective.

3.4. Trends and Limits in Public Acquisition and Open Space Preservation

Before addressing single-site development issues in more detail, and other areas of recommendations, it is also important to focus on the trends in public agency land acquisition and viewshed preservation. Comparing the County's General Plan Land Use map of 1980 with that of the present shows significantly greater amounts of land in state and local public ownership. Two land use designations, Regional Parks, and Other Public Open Lands (not for public recreation use) apply to much more of the viewshed lands today than 25 years ago.

The MROSD, County Parks Department, the Open Space Authority, and cities have all made significant acquisitions over the last 25 years. For example, one of the most significant single, large land acquisitions in recent years that contributes greatly to viewshed preservation has been the addition of the Harvey Bear Ranch County Park, in South County. Several thousand acres under one ownership, including most of the viewshed lands east of San Martin, have been preserved through one strategic acquisition by County Parks.

There have also been significant efforts in recent years by private entities such as Peninsula Open Space Trust and the Nature Conservancy to acquire private land for open space preservation. The Nature Conservancy has focused attention on the more remote Diablo Range areas, where land costs are lower than those within the viewshed. However, efforts to preserve these interior lands are also an important part of the regional plan to preserve open space and wildlife habitat, because they augment the efforts of public agencies, extend tax dollars, and allow those public agencies to better fulfill their missions and functions within the limited resources available.

Key challenges to open space preservation through acquisition are the limited financial resources of public agencies, reduced tax revenues to state and local government due to economic recession, and increasing land costs over time. There will never be enough public money to preserve all the viewshed lands through purchase by public or private entities. The number of large land holdings within the viewshed, like the Harvey Bear Ranch properties, are also limited. The best strategies for public agencies and private land trusts are to seek improved coordination, remain open to good opportunities for collaboration when they arise, and to promote viewshed preservation and habitat conservation as much as possible in their own long term plans and priorities.

Part 4. General Report Findings and Recommendations

This section of the report will provide an overview of findings and observations regarding viewshed protection, followed by general recommendations organized according to the five major strategies of the Open Space "Action Program" of the General Plan.

4.1 Strategy #1: Continue Countywide Growth Management Policies and "Joint Urban Development Policies"

Strategy #1 is to continue the County's joint policies on urban development and growth management implemented also by the cities and LAFCO. The primary implementing action listed under this strategy in the 1995 General Plan was to conduct joint studies and form agreements with cities for establishing long term Urban Growth Boundaries, or UGBs. The County has been quite successful in this endeavor during the last ten years.

The City of Morgan Hill and the County Planning Office conducted the first joint study that produced the city's UGB in 1996. San Jose and the County collaborated to establish that city's UGB shortly afterwards. Also in 1997, the County's West Valley Hillside Preservation Study resulted in the cities of Los Gatos, Monte Sereno, Saratoga, and Cupertino establishing UGBs, or general plan policies to the effect that no further urban expansion into the hillsides would occur beyond the existing Urban Service Area boundaries. Milpitas followed in 1998 with a ballot initiative, Measure Z, which established a 20-year UGB as part of its General Plan, located at the lower elevations of the foothills. This effort was a result of joint study with the County, which also produced the County's "-d2" design review zoning district. As part of Measure Z, the City of Milpitas was also required to apply to LAFCO for a modification of the city's Urban Service Area to be coterminous with the UGB. That application was submitted in 1999, but has been delayed in processing to date. The County supported Measure Z in part to provide greater consistency between jurisdictions and their USA locations, particularly San Jose, which had established its USA at the base of the east foothills, at the approximate 15% slope line.

The most important aspect of this strategy for the County is to maintain and enforce its policies prohibiting urban densities and urban types of land uses on lands outside city Urban Service Areas. As the origins of the joint urban development policies in the 1970s recede further into history, and the public gradually comes to take for granted that these cooperative policies will be maintained and upheld, their importance in everyday decision-making and policy enforcement becomes less and less apparent to many.

However, no other recommendation of this or any other planning study on the subject of viewshed preservation is more significant than to maintain and strengthen, if possible, the County's commitment to the countywide urban growth management policies and their implementation. If these policies limiting urban densities and uses to

lands within cities are eroded or abrogated in the future, the effectiveness of any other strategy or means of protecting viewshed lands will be greatly diminished, if not moot.

Recommendations:

1. Maintain the County's commitment to the countywide urban development policies that require urban densities of development and urban land uses to locate within cities and USAs, not in rural unincorporated lands outside city USAs.
2. Explore additional means of jointly retaining and reinforcing these policies with the cities and LAFCO, through legal agreements or other means.

4.2. Strategy #2: Regulate Allowable Uses and Densities of Development [rural areas]

The bulk of the issues and recommendations of this report are within the scope of this second strategy of the Action Program. This section includes a brief evaluation of County regulatory processes and controls for single-site development in hillside areas.

Most of the implementation recommendations listed under Strategy #2 have been achieved in the ten years since the General Plan was adopted, including rezonings for consistency with the General Plan for rural areas, a review of use regulations of the A Zoning District, agricultural easements programs and viability studies, and riparian educational efforts. Another is the subject of another work plan item, the Riparian Protection Policy & Ordinance study.

4.2.1. Regulation of Rural Land Uses

Single-site development remains the most common form of rural land development. Residential development remains a permitted use, subject to obtaining building site approval, and possibly grading permit, on any legal lot within the rural unincorporated area.

Recommendations:

Staff recommends no additional studies or changes to the allowable uses of the A, AR, HS, or RR rural base zoning districts as part of the viewshed study. The scope of the study is sufficiently broad and detailed with regard to development of residential use within the viewshed, and a review of permitted uses in these zoning districts would overly complicate and potentially frustrate progress in other areas of concern.

4.2.2. Regulation of Allowable Densities and Minimum Lot Sizes (Subdivision)

One of the findings of the Morgan Hill "pilot study" for viewshed protection was that only a few parcels within that city's viewshed have any subdivision potential. The vast majority of parcels in the City's viewshed were non-conforming legal lots ranging between 1 to 20 acres. Most fell between 2.5 to 10 acres, too small to be eligible for subdivision.

Within the countywide viewshed area, certainly more lots exist which may have the potential to be subdivided, through the standard County application processes. Depending on the average slope, accessibility, and other factors, some additional subdivision is to be expected over time. However, existing densities of development, particularly those of the "Hillside" designation, require a minimum land area per lot of 20-160 acres, depending on slope. "Ranchlands" subdivisions are subject to the same minimum lot sizes. Very few viewshed areas are subject to the County's Rural Residential designation and zoning, and within those areas, most parcels are too small to be further subdivided.

The effort that would be required to undertake possible changes to the General Plan and Zoning Ordinance to reduce subdivision potential through reduced densities for subdivision would be quite large. In contrast, the number of subdivisions occurring within the four base designations of Hillside, Ranchlands, Rural Residential, and Agriculture is limited. Staff recommends that no changes of densities and minimum lot sizes be considered as part of this study.

Recommendations:

1. Maintain current allowable densities of development and minimum lot sizes of the Hillside, Ranchlands, Rural Residential, and Agriculture Land Use designations and accompanying HS, AR, RR, and A zoning districts.
2. Require and implement visual impact analysis through use of the County Planning Office GIS of any application for subdivision at the pre-application stage, to evaluate and inform prospective applicants of viewshed issues that may affect the location of development and approval of a subdivision. For formal subdivision applications within areas identified as viewshed lands, the County may require such additional studies, visual simulations, or other submittals necessary to fully evaluate visual impacts of a tentative map and resulting development, including possible alternatives to reduce visual impact, or as a basis for potentially reduced density to avoid or mitigate significant visual impacts.
3. Revise Scenic Resources policies of the General Plan to include policy statements incorporating intent of recommendation #2, above.

4.2.3. Regulation of Single Site Residential Development in the Viewshed

Under Strategy 2, the General Plan contains a recommendation to identify areas of sensitivity to visual impacts of development and apply design review requirements to development within those areas, i.e., rezone to apply the "-d" combining district. (Ranchlands areas east of Hwy. 101 not subject to building site approval were to be excluded).

This implementation recommendation from 1994 reflected the prevailing use of Design Review to regulate hillside development for visual impacts. Where required, Design Review procedures may apply in conjunction with applications for single Building Site Approval, Grading Permit, and/or a building permit for new construction or additions.

4.2.3.1 Development Factors Affecting Visual Impact

To provide context for the recommendations of this report, this section will provide a brief overview of the primary factors for single-site residential development that can affect visual impact. It also explains the role of various County procedures and permitting requirements in addressing each factor.

Siting/Location:	The proposed location of a house on the lot. If alternative locations are possible, some locations may mitigate or avoid a visual impact, while others may exacerbate impacts. Location is also a factor of access, lot configuration and size, slope, placement of septic system, geology, and similar factors.
Grading:	Grading, or the amount of terrain alteration necessary to build a house pad, access, turnarounds, or other features. Earthwork and retaining walls can be a primary cause of adverse visual impacts, or, if well-designed, ameliorate impacts.
Size:	The overall floor area, or bulk of the house and attached features. Smaller, well-designed homes with limited expanses facing the valley floor contrast less with the landscape than a larger, taller, wider building.
Height:	The height of a structure measured from finished grade. Lower structures tend to mitigate visual impacts, but not always, depending on design.
Design:	The architectural style, features, articulation, and attractiveness of a home. A home with well-articulated massing, interesting architectural features, ornament, and proper placement of openings, will appear less obtrusive than one of the same size with a boxy, monolithic, or plain design.
Color/LRV:	Color and brightness of façade and roofing, or Light Reflectivity Value (LRV). The lower the LRV, the less a structure stands out against its landscape and surroundings. Enforcement over time can be less reliable than changes for which permits are required, unless adequate means are provided.
Landscaping:	Use of trees, shrubs, and other plantings for screening or blending with natural landscape. Can be limited depending on area, soils, water availability, slope, and related matters. However, with adequate guidelines and standards, including necessary fire breaks or "defensible space,"

landscaping can be a significant mitigation that also enhances property value.

4.2.3.2 Existing County Development Review Procedures

The three main County permit procedures that typically apply to new single-site residential development or major additions in viewshed areas, other than the building permit itself, are:

- single building site approval (BSA);
- grading permit (G); and/or
- design review (DR).

Single Building Site Approval is used to determine whether or not and under what conditions a parcel of land may be improved for residential use. It typically applies to lots not created by a subdivision, or lots not granted site approval through previous subdivision. Through BSA, the County reviews the proposed siting or placement of a new residence, the proposed access, the amount of grading and terrain alteration, geologic hazards, septic system feasibility, and water supply/storage, among other factors. If a parcel can support the improvements needed for residential use, BSA is granted conditionally as a prerequisite to the issuance of a building permit. If a certain amount of grading is proposed, a concurrent grading permit is required.

BSA has evolved from a somewhat ministerial to a more discretionary land use approval over time, particularly to address visual impacts of development and the amount and type of grading involved. Some of the more recent applications that the County has addressed involved very large homes on prominent hillsides or ridges, including one recently involving approximately 25,000 square feet of floor area. That application was not subject to a grading permit or design review, only BSA. BSA was not originally conceived to address all aspects of hillside development and mitigation of visual impacts. It was created to provide the necessary review and approval of unimproved lots that were created by means other than a subdivision parcel or tract map.

The BSA process was modified slightly in 1990 to provide for more rigorous review of development proposed on sites with a slope of 30% or more. These BSA applications are reviewed by the Architecture & Site Approval Committee (ASA). Although intended to discourage building on slopes of 30% or more, this form of site approval is presently applicable only to HS, RHS, and R1E base zoning districts. Furthermore, the ordinance would benefit from better criteria or findings as a basis for ASA granting approval, imposing specific conditions, or denying approval, per Section C12-350.1 through C12-350.4.

Grading permits and the Grading Ordinance are intended primarily to provide a means of evaluating and controlling earthwork associated with a development, to ensure that excessive grading is avoided, that grading is only permitted for an authorized land use, and to avoid adverse environmental impacts. It is also intended to provide adequate oversight of design, construction, and inspection of cuts, fills, and related matters. The Grading Ordinance was not conceived to address all aspects of residential development in hillsides or viewshed areas. Grading permits are required where the triggers or

thresholds are exceeded for any type of project, including a residence, landscaping, a bridge, a driveway, work within a stream, and other instances.

Design Review was conceived originally as a means of ensuring excellence of design and development, particularly in hillside and viewshed areas, and primarily with regard to residential uses. DR procedures and guidelines address many aspects of building design, color, landscaping, lighting, and similar features, as well as compatibility with the natural environment, neighborhood and adjacent development. Over time, it has become more apparent that Design Review Guidelines, Design Review is limited in its ability to influence siting and house size, among other aspects of development. Typically, the siting and size of the building area will be proposed by the applicant through an application for BSA, or a building permit on an approved site, after significant expenditure of time and money for engineering and architectural services. Through the current DR process, the County's ability to influence siting, grading, roads, or retaining walls proposed by the applicant is not as effective as it might be.

In summary, although Design Review has been thought of as the primary means of addressing visual impacts of hillside development, its focus has evolved towards the factors of massing, style, landscaping, and color or LRV, not siting and grading. Over the last 20+ years, the County has routinely required Design Review as a condition of some subdivisions. However, the subdivision, the location of the lots, and their configuration often affect the level of visual impact as much as the design of a home, its size, color, or landscaping.

With the enactment of the "-d1" and "-d2" versions of Design Review zoning in the late 1990s, the County expanded the areas subject to Design Review zoning and instituted LRV limits of 60 or less. Design Review zoning current applies to only a minority of lands within the countywide viewshed area. Furthermore, experience has shown that an LRV of 60 or less may still result in a pronounced contrast between a building and its surroundings. Landscaping can also be used to reduce impact, but may be less effective than desired, without formal standards. In some cases, landscaping may be ineffective, depending on lack of maintenance, weather, drought, or neglect. County guidelines and regulations regarding hillside landscaping could be improved to ensure adequate planting and assured maintenance.

Lastly, it must be noted that for some lots, as was found in the Morgan Hill study, no combination of land use controls, conditions, or review procedures will completely avoid or minimize visual impact. Small lots, with limited or no siting options, fully visible to the valley floor, and lacking any native vegetation, will result in a home of even moderate size having a distinct visual impact. That is the legacy of previous planning and land use decisions that have resulted in a significant number of existing, sub-standard hillside parcels.

4.2.3.3. Preliminary Recommendations for Single-Site Development in Viewshed Areas

County staff has formed general recommendations for this report based partly on the Morgan Hill pilot study, further evaluation of other jurisdictions' models, policies, and

ordinances, and the existing regulations and procedures of the County for hillside and viewshed development. A full explanation of staff's research and conclusions regarding other jurisdictions' approaches and requirements is contained in an appendix to this report.

Staff also bases its recommendations on the following criteria:

- a. Relative effectiveness and feasibility.
- b. Consistency with General Plan goals, policies, and strategies.
- c. The need and preference for simplicity over complexity, wherever possible, and avoiding the potential proliferation of differing standards, procedures, or combining zoning districts for sub-areas of the County and/or city SOIs.
- d. The cost versus benefit of enactment and implementation.
- e. Need for some degree of flexibility to address parcel-specific circumstances and allow development that is reasonably consistent with County requirements.
- f. Use of process incentives as well as regulation to achieve desired outcomes.

Recommendations:

1. Augment the County's General Plan policies for scenic resources protection specifically with regard to mitigating impacts of single-site development. Develop policies to express the intent of the Board's directions for single-site procedures and requirements.
2. Develop a single-site development review ordinance/process for designated viewshed areas to address all aspects of development that have potential for significant visual impacts. The most appropriate mechanism would be an augmented Design Review process (see Recommendation 9). Such a review process and its accompanying standards and guidelines would address the following.
 - a. Siting/location: evaluation of feasible alternatives to minimize visibility and grading/terrain alteration.
 - b. Size, height, mass, and number of stories facing valley floor: used in conjunction with siting review or to particularly to mitigate impacts of development on sites lacking available alternative sites.
 - c. Color or LRV of façade and roofing: require use of colors and LRV that more closely approximate natural landscape hues/intensity.
 - d. Landscaping and tree preservation: require where feasible, to lessen contrast with hillsides, and provide partial screening. Develop better guidelines based on other jurisdictions' models.
 - e. Access road placement, retaining walls, and related subject matter: review and limit visual and environmental impacts as feasible, per site constraints (e.g.: landscaping of retaining walls or use of natural materials).
3. For designated viewshed areas, create a development review process that utilizes procedural and other incentives to achieve conformity with policies, standards, and guidelines for reducing visual impact. These incentives would involve use of a tiered process, with different levels of review, depending on the characteristics of proposed development:

- a. Tier 1 Review would apply to development projects for which the placement, size, and overall design would have minimal levels of visual impact based on pre-established criteria or thresholds. Tier 1 review would entail the least review time, lowest fees, and administrative level review. Exemptions might be available for certain projects, such as additions, or proposed siting not visible from the valley floor.
 - b. Tier 2 Review would apply to development projects for which a defined characteristic, including size of structure, grading amounts, degree of visibility or prominence, severity of slopes, or other criteria, exceeds pre-established criteria. It would be similar to the BSA process for development on slopes of 30% or more, in that it would entail:
 - i. additional submittal requirements,
 - ii. an environmental assessment under CEQA, depending on criteria,
 - iii. a minimum, not a fixed application fee, and
 - iv. administrative level review or higher.
 - c. Tier 3 Review would apply to development projects which are determined to have major, significant unavoidable visual impacts that cannot be mitigated through changes to the project or conditions, due to extreme size, placement in the most visually prominent location, or other similar factors. Planning Commission review would be required. Alternatively, the Board could consider setting a universal maximum house size or other standards to address Tier 3 type projects and reduce the number of levels of review.
4. Develop criteria or thresholds for house size, grading and terrain alteration, slope factors, height and color, and any other relevant aspect of development, adopted as part of the ordinance, to differentiate what level of review applies. For example, new structures of a certain size, grading amounts, LRV, height, landscaping, or other factors would qualify for Tier 1 level review, and with proper design and compliance, exemption from further hearing processes.
 5. Utilize the pre-application process to evaluate prospective development applications, advise applicants of conformity with ordinances, standards, or guidelines, and to verify on a site-specific basis the relative visibility of the parcel and development site. Staff believe this approach is probably most appropriate for Tier 2 level review.
 6. In non-viewshed areas, augment the existing single Building Site Approval review process for development on slopes of 30% or more to require that same level of review for projects based not just on a single factor of slope, but also grading and terrain alteration, and other possible factors. Establish necessary criteria and findings for approval and as a basis for conditions or consideration of denial. In cases where a parcel was created as an approved building site, augment the Grading Ordinance with criteria and findings which would reduce visual impacts of development and grading. For example, consider better use of natural materials to blend cuts and fills, design examples to encourage minimal grading, better use of landscaping and plantings, and similar measures.
 7. Ridgeline/Crestline development issues. Further review and develop optional means of minimizing impacts of development on ridgelines, where they most are

feasible to define, consistent with existing County policy R-RC 102. The intent of this existing policy is not to absolutely prohibit a ridgeline development location where there are no feasible alternatives to development. Options could include:

- a. Require placement of structures in relation to the perceived ridgeline or defined elevations such that no portion of a structure protrudes above the designated ridgeline or elevation (assumes alternative feasible locations for development other than the ridge). Similar to County “-d2” zoning district provisions and those of many other jurisdictions studied.
 - b. Require placement of structures in relation to ridgeline or elevation such that no more than a certain height of the structure is visible, combined with mitigations such as LRV controls, landscaping, massing, length of building facing valley. This is a valuable approach if ridgeline placement is the only siting option or would have the least overall impact.
 - c. Allow placement of buildings or building envelopes created by subdivision on or near ridgelines only if alternatives reviewed during subdivision review process are deemed inappropriate. Such resulting lots should be subject to more restrictive limits on height, such as one story, maximum length or expanse of a building facing the valley floor, etc.
 - d. For secondary or more remote ridgelines, take into account the mitigating effect of their greater distance from the valley floor in determining ridgeline regulations.
8. If maximum floor area limits for dwellings are considered, include appropriate limits on accessory structures to ensure that such uses are subordinate and ancillary in nature.
 9. To implement a review procedure that will make the Board’s desired improvements in viewshed protection, there are several choices, the (a) the existing BSA ordinance and Grading Ordinance, including ASA Committee review, (b) an augmented Design Review process, or (c) a completely new procedure based on another jurisdiction’s approach.

Staff’s recommendation is to develop an augmented form of the County’s current Design Review zoning and review procedures, rather than using the existing Building Site Approval and Grading Permit, or an entirely new form of procedure and ordinance. This recommendation includes rezoning designated viewshed lands to include a DR combining district specially for viewshed preservation. Reasons are provided in the table below:

Review Procedure	Advantages	Disadvantages
BSA/ASA*	Most commonly required prerequisite process for new dwellings	Any already approved sites would be exempt
	Addresses 30%+ slopes through ASA Committee	Some Ranchlands in viewshed presently exempt
		Would not provide readily apparent regulations and intent to protect viewshed

		ASA used primarily for comm'l. uses, urban area zoning districts, & Stanford U. projects. Heavy existing workload, staff demands
Design Review	Historically intended and used for hillside/viewshed areas; w/ many existing "-d" zones already existing	Significant amount of lands to be added to those already zoned "-d."
	Least change needed to expand scope of existing ordinance; best fit with purpose of viewshed protection	
	Public/property owners accustomed to DR as a tool for viewshed protection	
	Better means of ensuring public, property owners, buyers are aware of County's regulations, goals for viewshed protection than BSA	
New Process	Uncertain, depending on nature of proposal	Would require repeal of all "-d" zones and replacement w/ a new zoning district or process requirement
		Uncertain acceptance
		Probably largest effort to conceive, draft new ordinances, procedures, & results would likely emulate proposal for revamped DR

*ASA Committee is granting authority for BSA on 30% slopes or greater.

10. Review the types of projects eligible for Statutory and Discretionary Exemption from Design Review, Section 5.50.050 and 5.50.060, to simplify regulations. E.g.: some discretionary exemptions, like minor additions, might be appropriate as statutory (full) exemptions.

In conclusion, staff believes there are no "quick fixes" or panaceas for improved regulation of visual impacts of hillside development and viewshed preservation, generally. The use of Design Review currently, as it is defined in the existing Zoning Ordinance, provides a certain measure of discretionary review, but it does not necessarily assure that the Board's expectations or the General Plan's objectives are fully met. Establishing criteria or thresholds for impact reduction or avoidance would represent a significant step in the evolution of land use controls for viewshed

protection. Some flexibility must also be maintained to account for individual property differences.

4.3. Strategy #3: Provide economic incentives to private landowners.

Providing economic incentives to private landowners is a key component of the Action Program. Thousands of acres of rural lands in Santa Clara County are likely never to be available or affordable for acquisition by open space agencies or private land trusts. The primary type of incentive program for most local governments is participation in the state's Land Conservation Act, or Williamson Act program. The County also provides for similar property tax reduction for Timberland Reserves, pursuant to applicable state laws. However, issues relating to Williamson Act policies, ordinances, and administration are the subject of an entirely distinct work plan item and study, for which work is in progress. Williamson Act contracts and related issues will not be further addressed as part of the Viewshed & Greenbelt work plan item.

Other forms of incentives to property owners are the dedication of conservation, agricultural, or open space easements to trusts, public agencies, and non-profit organizations, in return for compensation. These function to compensate owners for development potential, while also reducing property tax obligations. They can also be useful for estate management purposes. Easements will be further addressed under section 4.4, below.

4.4. Strategy #4: Acquire open space for parks, wildlife refuges, other open space uses

Many consider public and private acquisition to be the foremost choice for open space and viewshed preservation. Lands purchased by public agencies for parks, wildlife habitat, open space preserves, or similar open space uses are preserved in perpetuity from private development, unless disposed of in the future by sale to another entity. That outcome is extremely rare in cases where land is purchased for a park, for habitat protection or mitigation, or purchased by a trust or agency whose sole purpose is to secure open space. However, as previously indicated, fee title acquisition is a limited option, constrained by the cost of land, availability of land on the market, willingness of property owners to sell, and the limited financial resources of the federal, state, and local governments.

The recommendations related to acquisition for open space and viewshed preservation pertain primarily to funding and coordination among the many agencies and private entities involved.

Recommendations:

1. Continue Santa Clara County Parks Charter Funding, including funds for acquisition of strategically important portions of the Regional Parks element of the General Plan.
2. Improve coordination among open space preservation agencies, and ensure that there is adequate data-sharing and mapping of public land, easements, and

dedication of development rights resulting from land use approvals or mitigation requirements.

4.5. Strategy #5: Conduct special studies, area plans, and project review under CEQA

In the last ten years since the 1995 General Plan was adopted, there have been several notable examples of the use of special studies or area plans to promote open space and viewshed preservation.

The 2000 Stanford University Community Plan created special land use designations for open space lands, implemented through special purpose zoning districts. Viewshed analysis was made an integral component of evaluating potential uses within the Open Space/Field Research designation.

The Habitat Conservation Plan presently underway, under the auspices of the County, Santa Clara Valley Water District, City of San Jose, and the Valley Transportation Authority, may also have the potential for securing open space for habitat preservation and mitigation of impacts from the widening of Hwy. 101 from San Jose to Morgan Hill, among other projects. Implementation of the HCP may also have indirect benefits for viewshed preservation.

From 1998-99, the County Planning Office conducted a major study to promote the use of agricultural conservation easements, with a report to the Board of Supervisors regarding the recommendations of the Agricultural Conservation Easement (ACE) Task Force. The Land Trust For Santa Clara County now plays an important role in fulfilling the recommendations of this study, having acquired farmland easements in the Pajaro Basin for flood control, agricultural preservation, and conservation of natural resources.

This viewshed work plan item is itself an example of a special study to determine how to better implement the goals of the County General Plan with regard to viewshed and environmental protection. This report contains no specific recommendations for other studies, area plans, or related actions under Strategy #5 of the Action Program.

Part 5. Implementation Process, Timeline Estimates, Staffing Implications

The last section of this report addresses a process for implementation, timeline, and staffing implications.

5.1. Process for Implementation

If the Board of Supervisors accepts this report and provides further direction to staff to commence the more detailed work of preparing revised ordinances, rezonings, development guidelines, and accompanying General Plan amendments, staff anticipates the following steps would be included:

- review the approaches and ordinances of other jurisdictions with regard to detailed criteria, standards, and options for reducing visual impacts of development;
- discuss the effectiveness of other jurisdictions' models with staff of those jurisdictions, and evaluate what improvements or changes those staff would suggest;
- draft revised Design Review ordinance and supporting General Plan policies;
- draft related improvements to building site approval, and possibly, the grading ordinance;
- draft revised Design Review guidelines, landscaping requirements, and other related standards;
- hold workshops and community meetings to obtain public comments;
- refine and present the proposed policies, zoning ordinance amendments, rezonings, and guidelines to Planning Commission and/or HLUET, and then to full Board of Supervisors;
- obtain comments and endorsement of proposals from Board;
- schedule public hearings before Planning Commission and Board of Supervisors.

The amount of work effort involved is difficult to estimate at present. Depending on public reaction and the need for meetings to explain the new concepts and procedures, permit requirements, and detailed standards, the number of public workshops and meetings could be extensive. Alternatively, if the standards and guidelines can be made clear enough, the need for outreach and explanation can be reduced somewhat. The number of telephone and counter inquiries on the subject will also be quite high, as well, both during the development phase, and as implemented.

5.2. Timeline Projections

At this juncture, staff estimates that four to six months of work effort will be needed to draft the implementing policies, ordinances, and guidelines. Several additional months could be involved with community meetings, discussions with developers, property owners, and the public, if typical outreach endeavors are followed. Public hearings could also take several months, and usually involve a number of continuances to address questions, clarifications, and new issues raised during the hearing process.

The best estimate staff can provide at this time of the anticipated completion of hearings and the adoption of revised policies and ordinances would be approximately the second quarter of 2006. Much depends on the work effort needed to complete other existing high priority work plan items already in progress, adequate staffing, and public response.

5.3. Staffing Implications

Any new or revised review process for regulating viewshed development impacts has the potential to require more staff time per application, or additional staff to handle increased numbers of applications. Pre-application meeting requirements can be quite valuable, but also add staff work and time. Many jurisdictions consider pre-applications indispensable to evaluate projects and advise applicants of options before an applicant makes major expenditures on engineering and architectural design.

Also, the Board of Supervisors has expressed a desire for a process that could reduce the number of appeals and the time they consume. That will be one of the County's objectives, but there can be no guarantee, particularly in the first few years of implementation, that appeals will be reduced. As with any new or augmented procedures, appeals may increase temporarily. Developers may use appeals to test the appeal authority's willingness to enforce standards.

If additional locations are added to those under "-d" Design Review Zoning, to implement viewshed protection policies, there will also be an increase in the amount of staff time spent in consultation with property owners, neighbors, and developers, before, during, and after applications. There will be additional numbers of minor applications, also, such as for discretionary exemptions for minor additions, a new garage, or other small projects. Staff has recommends existing exemption provisions of Design Review be evaluated to determine which smaller projects might be appropriately exempted or minimally reviewed.

From 1995-2004, the total number of new primary dwellings outside USAs was 644, or about 64 per year. Staff could not determine for this report the exact number of those that were within the viewshed, but many were located on the valley floor and in non-viewshed areas. However, new homes and accessory buildings are not the only development subject to Design Review. Additions to homes, agricultural buildings, garages, and similar projects also generate significant numbers of applications.

At present, the need for additional planning staff to implement a revised viewshed protection ordinance and procedures cannot be easily projected. However, with the increased demands that may be placed on the current planning and zoning administration staff, the Planning Office believes an additional planner position and a second GIS Specialist position will be needed to address an increase in the workload related to application review and post-approval monitoring and condition compliance.

Part 6. Conclusion

The County's last major planning study of open space preservation to address hillside and viewshed protection, the Open Space 2020 Report, contained many recommendations, some major, some minor. The primary recommendation, to form an Open Space Authority to acquire land from willing sellers, was considered a major step forward in implementing the County's General Plan. It took many years to achieve from concept to fruition. Most would have considered it a positive recommendation from most points of view, with minimal potential for controversy, compared to other possible actions. However, as it turned out, even creating an open space authority was not without its own share of conflicts and difficulties.

This report contains a comprehensive evaluation of the progress the County and other implementers have made to date in carrying out the Open Space Action Program of the 1995 General Plan, particularly regarding viewshed preservation. It contains recommendations on many subjects, with a focus on further minimizing the visual

impacts of single-site development within the viewshed. Staff believes the recommendations are comparable to practical solutions developed by similar jurisdictions, will be feasible to implement, and will provide County decision-makers with better tools to implement the vision of the General Plan for viewshed protection over the long term future. Staff expects any set of recommendations to evolve as they are developed and the Board and the public discuss the concepts and details of new standards.

However, no effort to further strengthen and implement the General Plan in regard to viewshed protection will be without tensions and some degree of controversy. Whatever combination of approaches and standards may ultimately be selected and implemented, staff encourages an approach that:

- provides necessary site-specific flexibility,
- use of procedural incentives to achieve County goals and objectives, and
- ensures due process.

Viewshed development review processes must balance the County's interests in preserving the natural appearance of rural hillsides with reasonable allowance for a home of moderate size, height, and features, if a lot meets all development requirements. With design of new homes that is sensitive to viewshed and environmental protection, competing interests can be generally reconciled for most projects. There will always be exceptions. However, procedures, standards, and guidelines must be periodically reviewed for effectiveness and improvement. Improved procedures benefit the public, property owners, and developers, if there are clear expectations and objectives, understandable procedures, and incentives for achieving desired results.