

**County of Santa Clara**  
**Environmental Resources Agency**  
Planning and Development



PLN01041905

Prepared by: Bill Shoe  
Principal Planner

DATE: April 19, 2005

TO: Board of Supervisors

FROM:

A handwritten signature in black ink, appearing to read "Michael Lopez", followed by a circular stamp or mark.

Michael Lopez  
Interim Planning Director

SUBJECT: Report to Board of Supervisors on "Viewshed and Greenbelt Areas," Work  
Program Item #10-19 of Planning Office Work Program

**RECOMMENDED ACTION**

1. Accept the attached "Santa Clara County Viewshed Analysis and Report, April 5, 2005" (Viewshed Report) and consider preliminary recommendations.
2. Provide direction regarding preferred options for implementing recommendations, including development of policy, ordinances, guidelines, and related matters.

**FISCAL IMPLICATIONS**

No impact to County General Fund as a result of accepting this report. Future costs of implementing Board directions could include suggested additional staffing, costs associated

with public outreach, noticing, mailings, and changes to future application review processes.

### **CONTRACT HISTORY**

Not applicable.

### **REASONS FOR RECOMMENDATION**

1. The Viewshed Report was produced by the County Planning Office in response to the direction of the Board of Supervisors, pursuant to Work Plan item #10-19, Viewshed and Greenbelt Study.
2. The Viewshed Report and its preliminary recommendations were requested by the Board of Supervisors in a referral of February 15, 2005, to be presented for the April 19, 2005 Board of Supervisors meeting. Per the Board's request, the report contains information regarding other jurisdictions' approaches and ordinances, a review of existing County regulatory processes and tools, and information regarding a process for developing and enacting additional viewshed protection measures, including possible new ordinances, standards, and guidelines, following consideration of this report.
3. The Viewshed Report contains an overview of County General Plan goals, strategies and policies pertaining to open space preservation generally, and viewshed preservation specifically. The Open Space "Action Program" of the County General Plan serves as the framework for the preliminary recommendations of this study related to viewshed protection.
4. The Viewshed Report contains recommendations related to the aforementioned strategies of the Action Program, with particular focus on single-site development issues. A summary of the report recommendations is contained within the Background portion of this transmittal, which serves as an executive summary of the Viewshed Report.
5. Following the Board's consideration of the Viewshed Report and related information, with further direction to staff regarding preliminary recommendations, staff will continue to conduct research and develop implementing mechanisms related to each strategy of the Open Space Action Program, including draft ordinances, procedures, and guidelines.

## **BACKGROUND**

### **A. Overview of Work Plan Item for Viewshed Issues**

This Viewshed Report and related attachments summarizes the work of the Planning Office in response to the Work Plan Item #10–19, "Viewsheds and Greenbelt Areas." It presents preliminary recommendations and options for the Board's consideration for furthering the goals of the General Plan regarding viewshed protection. It 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 by the Board's April 19, 2005 meeting date.

The work done to date over several years represents the most comprehensive review of General Plan implementation on the subject of viewshed and open space preservation in recent years. The County's most comprehensive planning study of open space preservation and planning techniques was the 1987 report of the Open Space Preservation 2020 Task Force. That study resulted in the formation of the Santa Clara County Open Space Authority, among other recommendations.

Viewshed is a term used to describe the hillsides generally visible from a populated area. In Santa Clara County, the term applies to the scenic mountainous lands generally visible from most portions of the urbanized areas of the County. A major component of this work plan item is the viewshed mapping analysis described in Part 3 of the attached report. The mapping analysis identifies viewshed lands according to relative visibility from the valley floor, and will serve as the basis for future mapping analyses and decision-making.

The General Plan states that preserving the scenic resources and beauty of the natural environment of the County contributes greatly to the quality of life of a growing metropolitan region and preserving its sense of place. The purpose of County strategies and policies for preserving open space and protecting viewsheds is to maintain the natural appearance of the hillside lands outside cities, as much as possible. The General Plan recognizes that much development has occurred in some portions of the viewshed in the past, and that there are many existing lots smaller than the current minimum lot sizes of the General Plan and Zoning Ordinance. Furthermore, it must be understood that no protection program will prevent all future development that may occur in accordance with the General Plan, Zoning Ordinance, and other development regulations. However, particularly where new single-site development is concerned, the Board has expressed a strong desire to improve existing regulations, establish clearer standards for public awareness, and reduce visual and environmental impacts of new development.

The overall purpose of the Viewshed Report and work plan item is to address how the County might improve policies and procedures to protect scenic resources, particularly the viewshed, in light of recent trends and an evaluation of current development procedures. The study also provides a survey of other jurisdictions' models and approaches to similar issues. The preliminary recommendations of the report are listed below, organized by the Open Space element "Action Program" strategies.

## B. Summary of Preliminary Recommendations

The Viewshed Report utilizes the framework of the Open Space Action Program to organize recommendations by each of the five hierarchical strategies of the Action Program.

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

1.1. 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.

1.2. Explore additional means of jointly retaining and reinforcing these policies with the cities and LAFCO, through legal agreements or other means.

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

The bulk of the issues and recommendations of the Viewshed Report fall within the scope of this second strategy of the Action Program.

2.1. Allowable Use Regulations: 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.

2.2. Allowable Densities and Minimum Lot Sizes (Subdivision): 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.

2.3. Subdivision Application Review for Viewshed Impacts: 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.

2.4 Revise Scenic Resources policies of the General Plan to include policy statements reflecting the intent of recommendation 2.3, above.

### Single-Site Residential Development

Under Strategy 2, the General Plan contains an implementation 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 (not intended to apply to Ranchlands areas east of Hwy. 101 not subject to single building site approval). This implementation recommendation from 1994 reflected the prevailing use of Design Review to regulate hillside development for visual impacts.

Preliminary recommendations are based on the following criteria:

- a. Relative effectiveness and feasibility.
- b. Consistency with General Plan goals, policies, and strategies.
- c. The need for simplicity over complexity, wherever possible, avoiding the potential proliferation of differing standards, procedures, or combining zoning districts for sub-areas of the County and/or city Spheres of Influence.
- 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.

2.5. Augment the County's General Plan policies for scenic resources protection specifically with regard to mitigating visual and environmental impacts of single-site development. Develop policies to correlate with the direction of the Board for single-site procedures and requirements.

2.6 Develop an augmented form of design review for designated viewshed areas to address the key aspects of development that have potential for significant visual impacts:

- a. Siting/location: evaluation of feasible alternatives to minimize visibility and avoid unnecessary grading/terrain alteration.
- b. Size, height, mass, and number of stories facing valley floor: used in conjunction with siting review, or to particularly mitigate impacts of development on sites lacking alternative building 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 and ordinance requirements based on other jurisdictions' models.
- e. Access road placement, the height/ landscaping of retaining walls, and related subject matter.

2.7 For designated viewshed areas subject to design review, create procedural and other incentives to achieve conformity with policies, standards, and guidelines for reducing visual and environmental impact. Specifically, create a tiered review process, similar to other jurisdictions, 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. It 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 not eligible for Tier 1 review. It would apply to projects for which a defined characteristic, such as the size of the structure, grading amounts, degree of visibility or prominence, severity of slopes, or other criteria, exceeds pre-established criteria. Similar to Building Site Approval on slopes of 30% or more, 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 be an optional third level of review. It could apply to development projects which are determined to have such major, significant unavoidable visual impacts, that

pre-established standards cannot mitigate (extreme size and/or 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 such projects and reduce the number of levels of review.

2.8. Develop the criteria or thresholds for house size, grading and terrain alteration, slope factors, height and LRV, and any other relevant aspect of development, to be adopted as part of an ordinance, to use for each Tier level of review.

2.9 Make greater use of 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 (probably most appropriate for Tier 2 level review).

2.10 In non-viewshed areas, review and augment the existing single Building Site Approval review process for development on slopes of 30% or more. Establish necessary criteria and findings for approval and as a basis for conditions or consideration of denial. For lots already granted approved building site status, augment the Grading Ordinance with criteria, better guidelines, and findings to provide improved understanding of County expectations, review criteria, and minimize subjectivity. 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 for retaining walls, and similar measures.

2.11 Ridgeline/Crestline development issues. Develop optional means of avoiding or minimizing impacts of development on ridgelines, 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 lots 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, or other criteria.

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.

2.12 If maximum floor area limits for new dwellings are considered, include appropriate limits on accessory structures to ensure that such uses are subordinate and ancillary in nature.

2.13 Review projects eligible for Statutory and Discretionary Exemption from Design Review, Section 5.50.060 of the Zoning Ordinance, to simplify regulations.

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 new criteria, standards, and illustrated guidelines 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.

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

3.1 Staff proposes no new recommendations in regard to this subject matter, other than to continue progress on the existing Williamson Act-related work plan item (#10-18).

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

4.1 Continue Santa Clara County Parks Charter Funding, including funds for acquisition of strategically important portions of the Regional Parks element of the General Plan.

4.2 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.

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

5.1 Staff recommends no additional special studies or area plans be considered in furtherance of this work plan item for viewshed protection.

Following initial consideration of these recommendations, and additional information provided in the report, staff will continue work towards fulfilling the direction of the Board of Supervisors, including:

- a. developing detailed standards, ordinance provisions, and guidelines, as appropriate, including further research with other jurisdictions;
- b. public review and outreach;
- c. reports to Board of Supervisors;
- d. public hearing processes and ordinance enactment;
- e. coordination with other jurisdictions and agencies, as appropriate.

Staff estimates the work necessary to conduct the remaining part of the process, depending on Board direction, could be completed in mid-2006. Staff resource impacts could require additional planning staff, to augment current staff expertise in this area. Specifically, Planning Office suggests an additional Planner position and additional GIS Technician position to augment staff capabilities in developing and implementing new viewshed protection measures.

**CONSEQUENCES OF NEGATIVE ACTION**

If the Board of Supervisors does not accept the Viewshed Report or provide further direction, staff will undertake no additional work related to Work Plan item 10-19, Viewshed and Greenbelt areas.

**STEPS FOLLOWING APPROVAL**

Following acceptance of the report and further direction from the Board, staff will continue work towards fulfillment of the work plan and the Board's specific direction.

## ATTACHMENTS

- 1. Santa Clara County Viewshed Analysis & Report, April 5, 2005
- 2. Viewshed Model Ordinances Survey
- 3. Open Space Action Program of County General Plan
- 4. Santa Clara County Viewshed Analysis Mapping
- 5. February 15, 2005 Board Referral
- 6. Morgan Hill ULL Recs