

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA AMENDING
THE COUNTY GENERAL PLAN TO ADD A SECTION
TO THE GROWTH & DEVELOPMENT CHAPTER
FOR RURAL UNINCORPORATED AREA ISSUES AND
POLICIES, PART 3 OF BOOK B OF THE GENERAL PLAN,
ENTITLED "STRATEGY #3: ENSURE ENVIRONMENTALLY-SAFE
AND AESTHETIC HILLSIDE DEVELOPMENT," AS PART OF THE
COUNTYWIDE VIEWSHED PROTECTION STUDY
(File No. 8630-00-00-06GP)**

WHEREAS, the Board of Supervisors authorized the Viewshed Protection Study as part of the County Planning Office work plan, to evaluate and provide recommendations regarding the environmental and visual impacts of hillside development; and

WHEREAS, the County General Plan and Zoning Ordinance recognize the value and importance of the scenic resources of the County to the overall quality of life of its citizens, including the hillsides surrounding the urbanized areas, and the General Plan's goals and policies encourage the protection of such natural resources for both environmental and scenic qualities, to preserve the generally natural appearance of the hillsides and reduce the adverse visual impacts of subdivision and development; and

WHEREAS, on April 9, 2005, the County Board of Supervisors held a public hearing and received a report and preliminary recommendations for additional viewshed protection measures, and voted to hold workshop to further consider and evaluate the viewshed study recommendations; and

WHEREAS, on August 31, 2005, the Board of Supervisors held a land use workshop to consider the preliminary recommendations, receive public testimony, and provide further direction to staff, and the Board voted at that workshop to accept the preliminary recommendations, request quarterly status reports on the progress of the study, and directed that a schedule be prepared for the conclusion of the Viewshed Protection Study in 2006, with appropriate opportunities for public outreach and participation; and

WHEREAS, staff conducted a series of stakeholder participation meetings in January and February of 2006, followed by three community meetings in March of 2006, during which there were presentations and significant opportunity for public comment, which informed and helped shape the project proposals; and

WHEREAS, the Planning Commission held duly noticed public hearings on July 6, 2006 and August 3, 2006 to consider staff recommendations, receive public testimony, and deliberate regarding its recommendations to the Board of Supervisors, and the Planning Commission voted unanimously to forward a recommendation to the Board to approve the proposed General Plan text amendment, attached hereto as Exhibit 1, with the following specific recommendations:

- a) that the Board adopt the proposed Ridgeline Development Policies R-GD 30 through 35, as stated on pp. K-17 to K-18 of the proposed text amendment, and
- b) that the Board consider the substitution of the word 'shall' for the word 'may' in the text of the proposed policy R-GD 33 regarding ridgeline development on existing lots and the mitigations that could apply.

Staff has incorporated that wording change recommendation in the proposed text amendment with further wording clarifications for consistency with overall Planning Commission recommendations and project proposals.

THE BOARD OF SUPERVISORS HEREBY FINDS AS FOLLOWS:

A. CEQA. The proposed General Plan amendment would not have any new or substantially more severe significant impacts upon the environment, pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code 21000 *et seq.*, that were not previously addressed in the Environmental Impact Report ("EIR") prepared and certified for the County General Plan in 1994. As explained in the staff reports prepared for the Planning Commission and Board of Supervisors, the project is consistent with and furthers existing goals, policies, and implementation recommendations of the General Plan, is not expected to result in any new environmental impacts, and any potential impacts which could occur as a result of implementation of the project have been adequately evaluated in the 1994 EIR. Therefore, no additional environmental review is necessary for the General Plan amendment.

B. Public Participation. Six stakeholder meetings and three community meetings were held to receive public comment on the preliminary recommendations for the proposed General Plan amendment, which provided ample opportunity for public involvement in accordance with Government Code section 65351.

C. Planning Commission Public Hearing and Recommendation. The Planning Commission held properly noticed public hearings on the proposed General Plan amendment on July 6, 2006 and August 3, 2006 as required by Government Code section 65353, and based upon the information provided within the staff report, voted to forward a favorable written recommendation to the Board of Supervisors regarding adoption of the proposed General Plan amendment, in compliance with Government Code section 65354.

D. No Substantial Modifications Requiring Planning Commission Reconsideration. The Board of Supervisors has not made any substantial modifications to the proposed General Plan amendment that were not previously considered by the Planning Commission when the Planning Commission forwarded its written recommendation to the Board.

E. Amendment in Public Interest. Adoption of the proposed General Plan amendment is in the public interest. The proposed policies and explanatory text will clarify, augment, and improve existing County policies regarding the use of Design Review zoning for viewshed protection, grading and terrain alteration, development on steep slopes, and ridgeline and hilltop development, to better ensure environmentally-safe and aesthetic hillside development.

F. No General Plan Inconsistencies. Adoption of the proposed General Plan amendment would not create any internal General Plan inconsistencies or otherwise cause the General Plan to be deficient.

G. Information Considered. In taking action on the Project, the Board fully reviewed and considered the information contained in the staff reports, Planning Commission recommendations, oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, that the County General Plan is hereby amended as follows:

The "Growth & Development Chapter" for Rural Unincorporated Area Issues and Policies, Part 3 of Book B the Santa Clara County General Plan, shall include the section entitled "*Strategy #3: Ensure Environmentally-Safe and Aesthetic Hillside Development,*" pages K-7 through K-18, inclusive, attached hereto as Exhibit 1.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James T. Beall, Chair
Board of Supervisors

ATTEST:

Phyllis A. Perez
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Lizanne Reynolds 8-16-06
Lizanne Reynolds
Deputy County Counsel

Exhibits to this Resolution:

1. "Strategy #3: Ensure Environmentally-Safe and Aesthetic Hillside Development," pp. K-7 through K-18 inclusive.

Strategy #3:

Ensure Environmentally-Safe and Aesthetic Hillside Development

The vast majority of lands in County jurisdiction outside cities are hillside lands with slopes varying between approximately 10-75%. The Diablo Range and its eastern foothills flank the Santa Clara Valley on the east, and the Santa Cruz Mountains and foothills flank the valley lands on the western side of the County. Within these areas, development through subdivision and through single-site approvals has occurred over time under evolving land use controls. Each development is evaluated with regard to the particular geologic and seismic hazards that may exist, fire hazards, slope constraints and access issues, and septic system suitability, among other development issues.

The policies, regulations, and ordinance provisions that govern aspects of private development have evolved over time to address issues raised by various development projects, both individually and collectively. The Grading Ordinance, for example, was instituted in 1964, with modifications in 1972 to address emerging environmental and land use-related issues, with subsequent revisions again in 1978 and 2002. Regulations for single building sites as part of the County Ordinance Code were also amended in 1990 to address issues discussed in the General Plan relating to development of land over 30% average slopes.

This sub-section of the Growth & Development Chapter for Rural Unincorporated Area Issues and Policies is intended to provide context, explanation, and clarification of County policies for rural hillside development concerning grading and terrain alteration issues, development proposed on steep slopes over 30%, ridgeline development issues, and related matters. It serves as an overview of some of the more generally encountered hillside development issues and as a basis for development regulations, particularly, the use of Design Review zoning districts, Grading Approvals, Single Building Site Approvals, Site Approvals on slopes exceeding 30%, and subdivision approvals. Each type of process plays a role in ensuring safe, environmentally sensitive, and aesthetic development.

In recent years, the amount of rural hillside development has been relatively stable. Building activity varies with economic cycles. Since 1995, total rural area building permit activity for new homes has ranged between approximately 35 to 125 new homes per year. The average for the last ten years has been approximately 60-65 per year. Given the visibility, site characteristics, location, and sensitivity of hillside development issues, a moderate number of new homes or structures can have a disproportionate aesthetic effect, depending on size, design, and visual impacts.

USE OF DESIGN REVIEW ZONING DISTRICTS AND PROCEDURES

Single-family residences remain the most common use of existing parcels in the rural and hillside areas. They are defined in the Zoning Ordinance as an allowable use permitted as a matter of right on most existing legal lots. Subdivision regulations, single building site approvals, geologic review, and grading permit requirements are necessary prerequisites of safe and properly-designed land development. Design

Review complements other forms of land use approvals, provides flexibility, and allows for a level of discretionary review and approval of conditions to mitigate visual and other impacts of development.

Design Review has been a procedure employed by many cities for some time, either for architectural review of new development in urban residential neighborhoods, or to address hillside development. Santa Clara County established Design Review zoning in the late 1980s, specifically to provide a form of discretionary approval to encourage excellence of development, secure the purposes of the zoning ordinance and general plan, and to ensure all reasonable steps were taken to mitigate adverse impacts of development, including visual impacts.

Initial application of “-d, Design Review Zoning Districts” was limited to certain areas of development, such as along the Santa Teresa Ridge or Los Gatos hills, or as a specific condition of subdivision approval. It has also been required for development within 100 feet of named scenic roads, which previously was subject to Architecture & Site Approval.

In 1994, the County adopted the current General Plan, and addressed a number of general environmental and scenic resource protection goals for hillside areas. The revised General Plan included an implementation recommendation to identify areas of greatest sensitivity to visual impacts of development and the application of design review requirements, including but not limited to hillsides, ridgelines, scenic transportation corridors, and other areas.

In the mid-1990s, the County revised the Design Review regulations of the Zoning Ordinance to make provision for Design Review combining districts with distinctive goals, policies, and standards, enumerated with numerical subscripts, such as -d1, -d2, and so forth. The first such use of the provision was the establishment of the “-d1” district for the west valley hillsides in 1997. The “-d2” district was established for the Milpitas hillsides in 1999. Each was an outcome of discussions and collaborative planning studies between affected cities and the County, as well as extensive community input.

With respect to hillside areas, the County General Plan has long emphasized that the hillsides surrounding the urbanized area should not be subject to urban levels of development. A related goal is that the generally natural appearance of the hillsides should be preserved as much as possible through allowance for low density residential use, acquisition of public parks and open space lands, and mitigating visual impacts of development. The term “viewshed” has evolved in planning vocabulary to describe the hillsides that ring the urbanized area of the valley floor. Over time, the focus of General Plan policies has made it a priority to conserve as much as possible those hillsides immediately visible from the valley floor, where the vast majority of the urban population resides.

Consequently, land use regulations such as Design Review have historically been applied for the most part to the hillsides up to and including the first ridge, such as along the Santa Teresa Hills, Milpitas hillsides, and similar areas. In the west valley hills, the “-d1” Design Review district was originally applied to lands visible from

certain defined vantage points within the cities of Monte Sereno, Cupertino, Los Gatos, and Saratoga. It extends slightly further up into the hillsides, but not fully to the Santa Cruz Mountains summit area bounding Santa Cruz County.

In 2002, the Board established the Viewshed and Greenbelt Study as a legislative initiative, directing that a more comprehensive application of Design Review for hillside protection be evaluated, along with a review of the adequacy of existing standards. Prior to that date, only a small percentage of the hillsides immediately visible from the valley floor had Design Review zoning. With the completion of the viewshed planning study, Design Review zoning is proposed to apply to all areas of the primary viewshed most immediately visible from the valley floor. These lands generally include areas of highest visibility within approximately 1-2 miles of the valley floor.

Another key aspect of planning and land use controls is to apply reasonable standards and requirements, afford necessary flexibility for private land use and development, and ensure consideration of private property rights. To address these issues, the County has proposed for consideration:

- (a) expanded small project exemptions,
- (b) simplified procedures for moderate sized homes through a tiered review system (proposed Tier 1 administrative review for primary residences up to 5,000 sq. ft.),
- (c) exempting basement floor area from floor area definitions, and
- (d) modified regulations and guidelines to provide greater allowance for "design-friendly" features, such as porches, decks, eaves and other architectural designs that minimize visual impacts, reduce apparent bulk, and provide articulation and variety.

With regard to the largest and potentially most visible new homes and structures in the primary viewshed areas, a "Tier 3" level of review is proposed. In addition to review of siting alternatives that would reduce the visibility of such large structures, this level of review would include a Planning Commission hearing, instead of administrative, or staff-level public hearings.

Policies and Implementation

R-GD 15

Goals and policies of the General Plan recognize the development constraints, issues, and sensitivity of the hillsides of Santa Clara County for new development. The goals of the General Plan, outlined in the Open Space Action Program, are to prevent further urban uses and development outside cities, conserve wildlife habitat, avoid natural hazards, and preserve the generally natural appearance of the hillsides as much as possible.

R-GD 16

Design Review Zoning Districts, including Design Review Guidelines, shall apply to primary viewshed areas most immediately and directly visible from the valley floor, lands up to and including the first ridge, or those within approximately one to two miles distance from the edge of the valley floor.

R-GD 17

Design Review Zoning Districts may be differentiated to effect distinctive goals, policies, and standards, as appropriate.

R-GD 18

Application of design review guidelines, landscaping standards, retaining wall design requirements, and related matters should reasonably relate to the goals of the General Plan and Zoning Ordinance, address the impacts of a project, and take into account the size of the structure, and the site-specific characteristics involved.

GRADING AND TERRAIN ALTERATION

With nearly every hillside development, there is a certain amount of grading necessary for creating a building pad, contouring roads or driveways, or excavation to situate a residence or structure within a hillside location. Grading policies have evolved from the basic regulation of engineering aspects to include erosion controls, drainage and water quality issues, impacts to neighboring properties, environmental impacts, and aesthetics.

Where no other land use approval is required, a Grading Approval functions much as does building site approval, evaluating the location of a proposed structure, the amounts and extent of proposed grading, and the interplay of siting other necessary improvements, such as access roads and septic systems.

County Grading Ordinance regulations are vitally important for a variety of reasons: (a) to ensure the integrity of structures in graded areas; (b) to minimize potential dangers to neighboring properties; (c) to minimize or avoid environmental damage, erosion, and other impacts, with appropriate mitigations; and (d) to enable grading only if consistent with an approved or allowable land use. Inherent in these and related goals is a concern that grading outcomes fit with the natural conditions of the land as much as possible, avoid unnecessary alteration and expense, and complement or improve the aesthetics of land development.

Where permit requirements are not followed or ignored, unregulated grading can cause slope and structural failure, major erosion, landslides, detrimental effects on immediate neighbors, and other environmental impacts. Some of the most egregious examples have resulted in major loss of vegetation and trees, stream damage, and adverse road impacts.

For many years, County grading policies have been articulated only in terms of the basic findings necessary for approval of a grading permit. These are stated within the Grading Ordinance, part of the County Ordinance Code, and in the County's Standards and Policies Manual for Land Development. As grading and terrain alteration issues have become more critical over time, grading policies and findings need to be augmented and articulated through the General Plan.

The findings necessary for grading approvals are as follows:

- (a) proposed grading must be related to a presently permissible land use on the property;
- (b) the proposed grading is necessary for establishment and conduct of the use; and,
- (c) the design, scope, and location of the grading is appropriate for the use and causes minimum disturbance to the terrain and natural features of the land.

The thrust of these findings is that only the minimum grading and terrain alteration should be approved to enable reasonable use and development of a property. Excessive grading is both unnecessarily expensive to perform and maintain, and increases the potential impacts to the environment, necessitating more significant mitigation efforts. Where grading is involved, experience has shown that the principles of avoidance and prevention of impacts is less costly to the public and private property owners.

Policies and Implementation

R- GD 19

Grading and terrain alteration to conduct lawful activities and use of property should conserve the natural landscape and resources, minimize erosion impacts, protect scenic resources, habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly geologic hazards.

R-GD 20

For grading, terrain alteration, or other work that is subject to a grading permit, the grading approval shall be required concurrently with any other required land use authorization or discretionary, conditional permit review process. Grading approval shall not precede other requisite land use or development approvals, including building permit issuance.

R-GD 21

The amount, design, location, and the nature of any proposed grading may be approved only if determined to be:

- (a) appropriate, justifiable, and reasonably necessary for the establishment of a allowable use,;
- (b) the minimum necessary given the various site characteristics, constraints, and potential environmental impacts that may be involved, and,
- (c) that which causes minimum disturbance to the natural environment, slopes, and other natural features of the land.

R-GD 22

Proposals to balance cut and fill amounts where such grading would exceed that which is deemed minimally necessary and reasonable for the site may be considered based on environmental impacts, the ability of the site to accommodate the additional fill without causing additional adverse impacts, the remoteness of the site, the overall amount of material that would otherwise need to be removed from the site, and the impacts of any truck traffic that could be involved, including travel distances, local road impacts, safety, noise, dust, and similar issues.

R-GD 23

Where an existing parcel contains multiple possible building or development sites, and where one or more possible site requires less grading, with less overall environmental and visual impacts, greater economy of access roads or other site improvements, and better achieves matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with existing topography of site as much as possible, using stepped designs and multiple levels rather than an expansive single story floor plan on only one level.

R-GD 24

Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment.

- (a) Grading proposals for driveways and roads should generally follow natural terrain and contours to maximum extent feasible. Requirements and conditions for erosion control, landscaping or plantings, retaining wall design, and other design features may be imposed where necessary to ensure that completed work blends as harmoniously as possible with the natural environment and landscape.
- (b) Use of native and drought tolerant species for the above purposes should be employed for at least 50% or more of the design.

R-GD 25

Where proposed grading is associated with a potential subdivision or single building site approval in hillside areas, that which is deemed excessive, non-essential grading is strongly discouraged and shall not be generally permitted, unless exceptional circumstances warrant further consideration. Examples may include, but are not limited to excessive grading to create the largest possible building pads, envelopes, or yards; to remove hilltops and/or flatten steep ridges; to create multiple driveways serving individual parcels, or wider than necessary driveways; and similar proposals.

R-GD 26

Grading and excavation to situate a residence or other structure within a hillside to reduce visual impacts is encouraged, in accordance with due consideration of geologic issues, structural integrity, and other pertinent design features and lot characteristics.

DEVELOPMENT ON STEEP SLOPES

Development experience and County policy have long addressed issues related to development proposed on steep slopes. Much of the hillsides of Santa Clara County evidence significant slopes, ranging in many areas from 30% to over 70%. Due to the geology, soil composition, faults, natural springs, and drainage within many of these areas, hillsides can be relatively fragile landscape, despite appearances.

A 30% slope is approximately a 1:3 ratio of rise over run (height change over vertical distance). Although such slopes may seem to pose minimal difficulties for development, for certain aspects of land development, such as septic system drainfields,

storm drainage, or roads or driveways, such slopes present additional challenges for location and design of land development. Septic system design standards and area must be increased to account for steeper slopes, and road design and grading for emergency vehicle access becomes more problematic, particularly for long driveways.

Over the recent decades, owners and developers have selected and developed those lots that were less problematic or less expensive to develop. Increasingly over time, the development proposed and evaluated for conformance with County goals, policies, and development regulations is on more challenging parcels. In some instances, these constraints can be overcome, with proper engineering and additional costs. In some cases not. Not all sites have the ability to accommodate a septic system, and some are so steep and rugged that access is difficult or nearly impossible to design to meet minimum road standards for emergency vehicles. The more challenging or constrained the site, often there is greater disturbance to the natural landscape and resulting visual impacts.

The Building Site Approval process and regulations are contained in Chapter II of Section C12 of the Ordinance Code for Subdivisions and Land Development. Building Site Approval and Grading Approvals are the most common prerequisites for a new home or secondary dwelling construction in the rural hillside areas. Simply stated, site approval is the process of evaluating whether, and under what specific conditions, a lot may be improved for residential use. Its purpose is to address development of lots that were not created by a typical modern subdivision process, whereby issues of access and other improvements would have already been determined and approved through the subdivision application.

In 1990, the County modified its single site approval regulations to address applications for development on slopes exceeding 30%. It required evaluation and approval through the Architecture & Site Approval Committee (ASA Committee). It also increased the application submittal requirements necessary for such site approvals, and subjects each such development application to an environmental assessment under the provisions of the California Environmental Quality Act (CEQA). The purpose was to address and implement policies of the General Plan that discouraged development on slopes of more than 30% unless conformance with applicable standards could be well demonstrated. Regulations state that development approval on slopes of more than 30% may not be granted unless an exception is approved by the ASA Committee and certain requirements are met.

The County Ordinance Code applies these regulations only within certain Zoning Districts, R1E, RHS, and HS base zoning districts. Also, the criteria or findings on which approvals are granted simply state that all relevant concerns of a particular site must be integrated within the design solution, and reasonable concerns of all neighboring property owners be addressed. The noticing requirement includes all property within 500 feet of the parcel boundary, which exceeds the ordinary requirement of noticing owners of all property within 300 feet of the subject property.

At a minimum, building site approval on slopes exceeding 30% should be based on such criteria as the following:

- (a) demonstrated conformance to all applicable standards and conditions of referral agencies, such as the Fire Marshal, County Geologist, Land Development Engineering, Department of Environmental Health, and other affected agencies, such as the Santa Clara Valley Water District;
- (b) an appropriate design which successfully integrates and addresses the various requirements and conditions of development;
- (c) an evaluation of whether the development proposal and related improvements cannot be located on portions of the lot with less average slope and/or greater development suitability; and
- (d) that the overall site design, including but not limited to access road, retaining walls, architectural quality, landscaping, grading and erosion control, are in harmony with the natural landscape, vegetation, and topography, and reasonably mitigate visual impacts of development.

Lastly, because existing provisions of site approval involving slopes exceeding 30% have only been applied in certain zoning districts, the County should also consider whether it is logical and appropriate to apply these requirements to the other districts where average slopes generally range from 30% and higher. For example, the "RR, Rural Residential" Zoning District applies in a number of hillside areas, not just the valley lands of San Martin, but the regulations and procedures described in this section have not been applied to date. The County should periodically evaluate its procedures and regulations to determine appropriate application to similarly situated parcels.

Policies and Implementation

R-GD 27

Due to the prevalence of steeply sloping land, geologic, seismic, and other natural hazards, soil characteristics, and other development issues, including the need for adequate access and on-site wastewater treatment, the County shall thoroughly evaluate development proposals on slopes exceeding 30% to secure the public health, safety, and welfare.

R-GD 28

Single building site approval on slopes exceeding 30% shall be evaluated and approved, conditionally approved, or denied by the Architecture & Site Approval Committee. A public hearing shall be required, and notice provided to owners of all property within 500 feet of the subject property.

R-GD 29

In considering Building Site Approval applications for development on slopes exceeding 30%, the ASA Committee shall base its decisions on the following criteria and findings:

- (a) demonstrated conformance with all applicable standards and conditions of reviewing or responsible agencies;
- (b) successful integration of design solutions satisfying the requirements of responsible agencies and reviewers;

- (c) consideration and determination that the proposed use, structures, and related improvements cannot be located on portions of the lot with less average slope and/or generally better development suitability;
- (d) an overall site design, including but not limited to access road, retaining walls, architectural quality, landscaping, grading and erosion control, that is in harmony with the natural landscape, vegetation, and topography, and reasonably mitigates visual impacts of development.

Implementation Recommendations

R-GD(i) 5

Evaluate and consider expanding the applicability of Building Site Approval regulations pertaining to development on slopes exceeding 30% slope to those other base zoning districts where average slopes exceeding 30% are prevalent.

R-GD(i) 6

Evaluate the expanded use of pre-application meetings for single building sites, grading permits, and design review, as appropriate, to identify development issues, discuss potential conditions and mitigations, and provide earlier notice to property owners regarding County requirements and procedures.

RIDGELINE AND HILLTOP DEVELOPMENT

The issues of ridgeline and hilltop development are integrally related to policies and standards governing grading, terrain alteration, and development on steep slopes. County policy over time has evolved to generally discourage ridgeline development where subdivision and lot creation are concerned, because approval of new lots through subdivision affords a degree of choice in terms of lot configuration and possible building envelope locations. With existing lots, depending on size and location, lot characteristics, and access, the choice of building locations can be more limited. However, grading policies and requirements of the County do not permit maximum grading and terrain alteration to enable residential or other land uses on an existing lot where clear and suitable alternatives exist that reduce or minimize grading.

Ridge and hilltop locations are often considered more valuable for the views they afford. Marketing and perceptions of lot value are correlated with whether the highest elevations on a given lot are suitable or possible building sites. In many locales, a hillside or ridgeline location is considered prestigious. It should also be noted that for some parcels, a ridge building site can prove to be the most or only suitable place for a structure or home.

There is a significant amount of variability in topography and ridgelines within the County. Along the eastern Diablo Range, prominent ridges run generally parallel to the Santa Clara Valley floor, from northwest-to-southeast. In the Santa Cruz Mountain Range, there is the dominant ridge (the Summit Road area) that divides Santa Clara County from San Mateo and Santa Cruz Counties. However, there are also intervening lower ridge areas that have other ridges or hillsides as their backdrop, and these can be oriented in many directions.

There are also other topographical variables. Ridgelines may be narrow and steep, or in some cases relatively broad and flat. Topographically, ridges delineating drainage areas can be mapped with a fair degree of precision, but what is perceived to be a ridge or crestline area by the human eye depends to an extent on the vantage point, distance or proximity, and perspective.

With regard to new subdivision proposals, County policy has been that land should be subdivided such that building sites are not located on ridgelines, if possible. This policy reflects the need to consider other site-specific constraints, such as geologic or landslide areas, steep slopes, oak woodlands and other sensitive habitat areas, and streams that may pose substantial limitations on where parcels and building sites may be located. If no other more suitable locations than a ridge area are as feasible, ridge or hilltop locations may be proposed and evaluated through the subdivision process, including environmental review pursuant to requirements of the California Environmental Quality Act.

Where alternatives are limited, ridgeline building sites proposed through a subdivision can often be mitigated such that they do not create a major negative visual impact from the valley floor. Specific, careful location choices, building heights, façade lengths, landscaping, and façade materials and color choices can significantly mitigate visual impacts. Distance from the valley floor also needs to be taken into consideration. The more remote the subdivision from the valley floor, the greater the mitigating effects of distance and perspective. Design Review zoning, delineation of building envelopes, and other more specific subdivision conditions of approval may be used to mitigate visual impacts.

With regard to existing legal lots of record, County policies have stated that structures on ridgelines must be designed, landscaped, situated, or otherwise mitigated so that they do not create a major negative visual impact when viewed from the valley floor. This policy statement originates with the 1980 General Plan, and implicitly, provides a certain allowance for a ridgeline or hilltop location, provided all necessary land development standards and requirements are met, such as for access, and the visual impact is not significant.

Alternatively, some jurisdictions prohibit new development on ridges or hilltops if there are feasible options, with some establishing actual prohibitions on development within certain vertical distances of the elevation of a defined ridgeline. The larger the lot, typically the more options for building sites. Conversely, for small lots, in the range of 0.5 acres to approximately 2 acres, siting options may not exist.

Consequently, whatever degree of policy restrictiveness is adopted with regard to ridgeline development on existing legal lots, there is a need to take into account whether reasonable, suitable alternatives exist other than at or near a ridge. The County must also evaluate consistency with other land development requirements for access suitable for emergency vehicles, septic system functionality, habitat or stream protection, and similar factors. In some instances, grading policies and permit findings may determine that a ridgeline location is appropriate, and in other instances, current grading policies and findings would not allow a ridgeline or hilltop location, if

alternatives would demonstrably reduce grading and better comply with the General Plan and Grading Ordinance requirements.

Lastly, a significant number of residences and other structures have been legally constructed and located on ridges or ridge areas over time. Property owners' concerns regarding the ability to rebuild in the event of a fire, earthquake, or other natural disaster or casualty should be taken into account. Similar policies and regulations have been established as part of the Single Building Site regulations, and as part of the "-d1" Zoning District.

Policies and Implementation

R-GD 30

Ridgelines and ridge areas have special significance for both public policy and private interests. Ridgeline and hillside development that creates a major negative visual impact from the valley floor should be avoided or mitigated, particularly for those areas most immediately visible from the valley floor. Ridgeline development policy should also take into account the need to allow reasonable use and development of private land.

R-GD 31

For subdivision proposals, land should be subdivided in such a way that building sites are not located on ridgelines, if possible, taking into consideration other development constraints and issues. Where ridgeline locations are proposed, alternatives shall be evaluated to determine relative development suitability. If ridgeline or hilltop locations prove to be more suitable and less visually obtrusive than alternatives, reasonable mitigations for significant, adverse visual impacts may include, but are not limited to:

- (a) careful locations of building sites;
- (b) tree and vegetation retention, and use of additional landscaping, as appropriate;
- (c) building height, façade length, and similar dimensional limitations; and,
- (d) use of natural materials, colors, and design features that blend with the natural surroundings and reduce apparent bulk.

R-GD 32

For existing legal lots, the County encourages the consideration of alternatives to ridgeline or hilltop locations. Where grading policies and permit findings are involved, building sites may only be approved where consistent with the grading policies of the General Plan and the permit requirements and findings of the Grading Ordinance.

**** R-GD 33***

For existing legal lots, if a ridgeline or hilltop location is a potentially suitable location for development, development of which is consistent with grading or other land development policies and regulations, due to the particular geologic circumstances, access needs, or other suitability characteristics of the lot, the following conditions or mitigations to visual impacts of development shall be considered and applied through applicable land use and development approvals, as necessary and appropriate imposed through Design Review or other discretionary approval may include, but are not limited to:

*Chg. from
may to shall*

Growth & Development

Rural Unincorporated Area Issues & Policies

- ~~(a) the use of Design Review as a condition of approval (if not in a Design Review zoning district),~~
- ~~(ab)~~ landscaping and vegetation retention, as appropriate,
- ~~(be)~~ color and material choices that blend with the natural surroundings, and
- ~~(cd)~~ any other similar requirements or mitigations that reasonably relate to the degree of visual impact. [Note: Where Design Review zoning applies or is required by condition of subdivision or other approval, such requirements will be addressed through the applicable Design Review procedure].

R-GD 34

In applying and implementing Design Review requirements, the County shall also take into account such factors as distance from the valley floor, existing vegetation, intervening slopes and hillsides, and other factors that tend to mitigate visual impact of hillside development.

R-GD 35

Legally constructed homes and other buildings located on a ridgeline or hilltop that are destroyed by casualty, such as fire, earthquake, or other natural disaster, may be rebuilt in their existing location. Applicable provisions of the County's single building site approval regulations regarding exemptions from site approval shall apply.

[For related policies, see also the Scenic Resources Section of the Resource Conservation Chapter, Book B].

more restrictive policies
X ALTERNATIVE RIDGELINE DEVELOPMENT POLICIES

Note: the Board of Supervisors has requested consideration of alternatives for ridgeline development policies. The following draft policies would be a more restrictive alternative to current policies and those found on p. K-18, R-GD 31 through 33. If the Board elects to approve the draft policies below, R-GD 30 on p. K-18 would be retained and R-GD 31a through 33a would be adopted instead of R-GD 32 – 35.

R-GD 31a

New ridgeline and hilltop development shall be prohibited, with the following exception. For any existing parcel or new lot proposed by subdivision that would be located on a ridgeline or hilltop, land use approvals or building permits shall not be granted unless it can be demonstrated that:

- (a) no other suitable or feasible site location exists that would also have less visual impact, and
- (b) the prohibition on new ridgeline development would preclude reasonable use and development of a property.

R-GD 32a

In applying and implementing Design Review requirements, the County shall also take into account such factors as distance from the valley floor, existing vegetation, intervening slopes and hillsides, and other factors that tend to mitigate visual impact of hillside development.

R-GD 33a

Rebuilding an existing and lawfully constructed home or structure that is located on a ridgeline or hilltop and which is destroyed by fire, earthquake, or other natural hazard or casualty may be rebuilt with adequate basis on which to verify its size and other characteristics, notwithstanding the general policy prohibiting new development in ridgelines and hilltops.

Implementation Recommendations

Explanatory Note: If the more restrictive ridgeline development policy intending to generally prohibit new ridgeline or hilltop development is adopted, the County will need to also adopt the following implementation recommendation:

R-GD(i) 7

Develop Zoning Ordinance or other Ordinance Code amendments that would implement development policy prohibiting new development on ridgelines or hilltops to regulate placement of new structures not otherwise subject to a form of discretionary land use approval. Where a discretionary approval is required, ridgeline development policy may be implemented through the discretionary approval process].

(Some may not need - -)

- in lieu of - -