

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



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DATE: December 17, 2002

TO: Board of Supervisors

FROM:   
Tim Chow  
Director, Environmental Resources Agency

SUBJECT: Planning Office Work Plan – Viewshed/Greenbelt Component Supplemental  
Information

**RECOMMENDED ACTION**

Consider recommendations relating to Planning Office Work Plan Supplemental Information  
Possible actions:

- a. Accept report of additional information and background concerning Viewshed and Greenbelt Areas Protection component of Planning Office Work Plan.

b. Accept Planning Office Work Plan Addendum as presented in November 19, 2002 Board transmittal.

c. Direct staff to address viewshed concerns in the proposed Planning Office Work Program for 2003 as a higher priority.

### **FISCAL IMPLICATIONS**

No fiscal impact on the County General Fund

### **CONTRACT HISTORY**

N/A

### **REASONS FOR RECOMMENDATION**

At the November 19, 2002 meeting of the Board of Supervisors, the Board continued item #52 (Planning Office Work Plan – Addendum). At the request of Board staff, the Planning Office was to provide additional information regarding the Planning Office's Work Plan at the December 17, 2002 meeting of the Board of Supervisor's.

a. The initial priorities for Viewshed and Greenbelt preservation in the Work Plan identified in the November 19, 2002 Board transmittal represent an initial step of this component of the work plan.

b. A comprehensive countywide endeavor to implement viewshed/greenbelt protection, would require much more time and resources, and would be subject to certain constraints and considerations.

### **BACKGROUND**

#### **1. Work Plan "Addendum" Priorities**

In a letter of November 18, 2002, environmental groups such as Committee for Green Foothills expressed concern that the priorities stated in the "Addendum" report were intended

to represent the sum total of efforts by the Planning Office to carry out the Work Plan in relation to viewshed and greenbelt protection. The Supervisors expressed similar concerns that the Addendum transmittal priorities would displace or preclude future efforts to address viewshed protection in a more comprehensive way.

In response, staff did not intend that these "Addendum" priority items be construed as the sum total or end of all efforts to carry out the Work Plan concerning viewshed protection. Instead, staff viewed the priorities identified in the November 19 transmittal as a logical set of actions to begin significant work in this area, based on the wording of Item 10-19 of the Work Plan from January 2002, with additional efforts to be undertaken as existing work is completed.

Staff regrets this misunderstanding.

## 2. Constraints and Considerations for Comprehensive Countywide Viewsheds/Greenbelt Protection

At the time the Board approved the Planning Office Work Plan in January 2002, the Board expressed concern for whether there were adequate staff resources to undertake the amount of work indicated. Staff stated that adequate staff resources were available to carry out the work program, assuming current staffing levels could be maintained. During this year, a number of vacant planner positions have remained unfilled for extended periods of time in response to the County's worsening fiscal situation. In addition, there have been unanticipated work demands, such as the response to the Croy Road fire, and to San Jose's intense interest in a joint study concerning the South Almaden Valley Urban Reserve (SAVUR), which have had to be addressed. {Note: At this time, the City of San Jose is taking a different approach to the matter of land use in the SAVUR that will no longer require the joint study. Involvement with the San Jose Coyote Valley Specific Plan, in contrast, will gradually increase over what is expected to be a two year process}.

Furthermore, several existing legislative initiatives have been prolonged due to various factors, such as the lot line adjustment ordinance revisions, the comprehensive Zoning Ordinance Revision project, and the Stanford Open Space/Field Research zoning district enactment. Given all these constraints, the Planning Office has focused primarily to date on those new items for the Work Plan that the Board initially approved as having highest priority, the LGAF Study, Williamson Act Policies and Ordinance Review, and the Riparian

Protection Ordinance initiative.

### 3. Cost and staffing implications of enacting new Design Review Requirements

Enacting and implementing a major, comprehensive initiative to impose design review requirements or similar viewshed and greenbelt protection measures would be very time consuming, controversial (see below), and result in the need for additional experienced staff to administer the increased zoning administration workload. For example, if the geographic area to which "-d", Design Review zoning were to be merely doubled, staff would expect that the number of applications related to design review would proportionally increase. Each design review application requires a referral process, staff evaluation, field visit, noticing and public hearing, follow up reports and paperwork documenting the decision, and usually an inspection prior to completion of the building permit process to enforce the conditions imposed. There is currently one full time position devoted primarily to conducting these processes and public hearings.

Even if some or most of the ongoing costs of additional staff were covered by the fees imposed for such applications, the expectation for the coming two fiscal years is that staff reductions may be required, not additions. If new design review requirements were to be imposed over the entire hillsides visible from the valley floor, the area affected would likely be at least 5 to 10 times greater than that for which design review is currently in place. Board of Supervisors staff resources would also be affected, in that there would likely be an increase in the number of design review-related appeals to the Planning Commission and Board of Supervisors.

### 4. Enacting New Design Review Districts would be Controversial

Design review requirements are strenuously opposed by most of those property owners directly affected. Recent experience with the County's imposition of "-d1", Design Review zoning in the west valley hillsides (1997) and of "-d2", Design Review zoning in the hillsides of Milpitas (1999), are typical. In each case, numerous community meetings, public hearings, and other forms of community outreach were required. Property owners were individually noticed. The enactment process was prolonged greatly over that originally anticipated, taking up two years. During the process, property owners were vehemently opposed to design review.

## 5. "Pilot" Program Approach

The value of the "pilot" program approach outlined in the original Work Plan language for Viewsheds/Greenbelts is that it includes both priority-setting studies by staff and the use of pilot initiatives with such jurisdictions as Morgan Hill, which afford the possibility of (a) establishing with stakeholders, including cities, shared values expectations, and objectives for viewshed and greenbelt protection, (b) determining optimal means of protection, including possible design review regulations, and (c) determining their true effectiveness and costs before proceeding to possibly enacting similar measures countywide.

### CONSEQUENCES OF NEGATIVE ACTION

N/A

### STEPS FOLLOWING APPROVAL

N/A