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County Adopts New Viewshed Policy

County Now Has Clear Policy for Building on Hillsides

SAN JOSE, CALIF. - Today, the County of Santa Clara Board of Supervisors voted to adopt a policy to implement regulations related to viewshed preservation. The intent of the new policy is to minimize environmental and visual impacts that could result from hillside development. The new policy gives clear guidance to property owners and private developers.

"This policy will preserve our valley hilltops and scenic vistas for future generations to enjoy," said Supervisor Jim Beall, Chair of the Board of Supervisors. "The Board has been very engaged in this issue. This policy reflects input from several hundred people who attended the community meetings."

The new policy expands the use of Design Review Zoning to areas that have not previously had such zoning. These areas include east hills of San Jose and primary viewshed areas of South County. The new regulations provide the County greater ability to review architectural designs in building plans to mitigate the impact from large new homes.

Under the new policy, primary viewshed areas that are approximately 1-2 miles from the valley floor will be zoned "-d1." For instance, properties located within 1-2 miles of the valley floor on hillsides with "HS" zoning designation will become "HS-d1", which means they are subject to the Design Review standard of the Zoning Ordinance.

The new policy steered clear of setting specific size limits for homes. However, size categories will determine the level of Design Review. An administrative review is required for buildings under 5,000 square feet; a Design Review with staff as hearing authority is required for buildings between 5,000-12,500 square feet; for buildings of more than 12,500 square feet, a Planning Commission hearing is required. Decisions for all three categories may be appealed.

An important element of the new policy is that an existing legally conforming house can be rebuilt at current location and configuration. This is especially important in the event of natural disasters.

"I am glad to see that flexibility has been built into the rules. Landowners have the ability to use their land under the new policy," said Supervisor Pete McHugh, District 3. "The County can now move forward on building permits in a consistent matter."

Following an all-day Land Use Workshop in August, 2005, the Board directed staff to develop a draft policy related to viewshed protection. Staff held a series of public meetings in 2006 to hear comments from the public and affected landowners.

"The new policy strikes the balance between private property rights and environmental impacts," said Supervisor Don Gage, District 1. "We are glad that the public has actively participated in the County's public hearings and community forums, and have contributed immensely to the policy we are adopting."

The new policy would not apply to development projects with approved building site approvals and/or open building permits. Any new building site approval applications or building permits for new structures submitted after August 29, 2006 would be subject to the new policy.

Staff must also conduct an evaluation and report back to the Board in 18-24 months with any changes that may be appropriate to enhance effectiveness, provide necessary flexibility, or improve clarity.

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