

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> September 26, 2007 Time: 10:30 A.M	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Conduct a workshop regarding procedures and standards for the evaluation of development applications involving ridgeline development.	
<b>Project Location:</b> County-wide.	<b>APN:</b> N/A
<b>Planning File Number:</b> PD070078	<b>Name:</b> Monterey County
<b>Plan Area:</b> All area plans and Coastal Implementation plans.	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> N/A	
<b>CEQA Action:</b> Categorically Exempt per Section 15306 (Information Collection) of the CEQA Guidelines	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Discuss the County's policies, definitions and procedures regarding applications involving ridgeline development; and
- 2) Provide direction to staff regarding potential changes to applicable policies, definitions and procedures.

### DISCUSSION:

The purpose of this workshop is to discuss the Planning Department's evaluative process of projects involving ridgeline development. The workshop follows Planning Commission direction after discussion and deliberation of the most recent projects involving such development. Some issues have arisen during those deliberations which need some clarification. Those issues have generally included procedures and analysis to determine visual impact and the definition of public viewing areas and its role in the analysis. The discussion contained in Exhibit A provides guidance for this discussion.

The discussion first highlights the regulatory framework including the 1982 General Plan's policy directive and the zoning code regulations and definitions. Secondly, it describes a visual impact assessment framework which is generally followed by staff in the evaluation of such projects. It must be pointed out, however, that this evaluative process has been used by staff in a general manner and that there has never been a specific format adopted for the presentation of the projects to the Planning Commission. From this point of view, the Commission may want to consider developing a new standard procedure based on the discussion.

Finally, the staff report provides some alternatives for consideration by the Commission regarding potential follow up by staff.

### OTHER AGENCY INVOLVEMENT:

This report was prepared by the RMA-Planning Department. The report has not been referred to the Land Use Advisory Committees for review. The Planning Commission may consider referring this item to the Committees for their review and recommendations.

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September 12, 2007

cc: Planning Commission Members (10); County Counsel; Alana Knaster; Dale Ellis; Mike Novo;  
Jeff Main; Wanda Hickman; Carl Holm; Laura Lawrence; Jacqueline R. Onciano; Bob  
Schubert; Luis A. Osorio; Carol Allen; Chair Persons of All Land Use Advisory Committees.

Attachments: Exhibit A      Discussion

This report was reviewed by Mike Novo, Acting Director of Planning.

# **EXHIBIT A DISCUSSION**

## **REGULATORY FRAMEWORK**

Applicable 1982 General Plan, Area Plan and Zoning Ordinance requirements are as follows:

### **General Plan Policy 26.1.9**

“In order to preserve the County’s scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.”

### **Area Plans’ Policies**

The Area Plans and the Coastal Implementation Plans contain policy language addressing ridgeline development. The policies of the area plans are generally consistent with the directive from the General Plan policy.

### **Zoning Ordinance Regulations**

#### **Title 21 - Section 21.66.010 – Standards for Ridgeline Development**

- A. Purpose: The purpose of this section is to provide standards for those projects which constitute ridgeline development.
- B. Applicability: The provisions of this section are applicable to all proposed ridgeline development in the County of Monterey.
- C. Ridgeline development shall require a Use Permit in each case.
- D. A Use Permit for ridgeline development may be approved only if the following finding, based on substantial evidence, may be made:

The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

#### **Title 20 - Section 20.66.010 – Standards for Ridgeline Development**

- A. Purpose: The purpose of this section is to provide standards for those projects which constitute ridgeline development.
- B. Applicability: The provisions of this section are applicable to all proposed ridgeline development in the County of Monterey.
- C. Ridgeline development shall require a Coastal Development Permit in each case.
- D. A Coastal Development Permit for ridgeline development may be approved only if the following findings, based on substantial evidence, may be made:

- 1. The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

2. No alternative location exists on the subject site which would allow a reasonable development without the potential for ridgeline development.

### **Zoning Ordinance Definitions**

The following definitions are contained in both Title 20 and Title 21:

#### **Ridgeline Development:**

“Ridgeline development means development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.”

#### **Substantial Adverse Visual Impact:**

“Substantial Adverse Visual Impact means a visual impact which, considering the condition of the existing viewshed, the proximity and duration of view when observed with normal unaided vision, causes an existing visual experience to be materially degraded.”

#### **Common Public Viewing Area:**

“Common public viewing area means a public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.”

### **VISUAL IMPACT ASSESSMENT FRAMEWORK**

The visual impact assessment is a two-fold process as stated below:

#### **1) Preliminary Assessment of Ridgeline Development Potential:**

A preliminary assessment must be done to determine if a project has the potential to result in ridgeline development. To this end, a preliminary site inspection and assessment of potential visibility is conducted by staff. The placement of two-foot orange netting may be required depending on the results of the preliminary inspection. The netting is an indispensable tool to complete the assessment.

The Zoning ordinance requires that a determination must be made on whether a project would meet the definition of ridgeline development. To this end, a project’s visibility from common public viewing areas must be assessed; the critical issue in making this determination is whether or not the project would create a silhouette against the skyline when seen from the public viewing area. Per the definition of “Common Public Viewing area,” private roads, streets and cul-de-sacs are not considered as public viewing areas, and therefore the visual impact analysis does not include visibility impacts from such areas. .

#### **2) Determination of a Substantial Adverse Visual Impact:**

It would be impossible to establish an iron clad standard for the determination of visual impacts from a ridgeline development project. Every such proposal must be evaluated on its own merits and circumstances. In general terms, the main factors in any evaluation are the impacts on existing natural conditions on the site and the visibility of the project from a common public viewing area. In terms of the impacts on the existing natural conditions, the analysis must address the visibility of a project in relationship to vegetation, slope and the overall site conditions; in terms of visibility from public viewing areas, the impact analysis must address what is actually seen, from where, for

how long and at what distance. A determination must be made regarding the significance of potential impacts. The definition of substantial adverse visual impact addresses the condition of the existing viewshed as well as the proximity and duration of unaided view. From the point of view of this definition, the analysis of any ridgeline development proposal must necessarily take into account the following: What we see, where we see it from and how long we see it. The factors in the analysis then become bulk, vanishing point(s), time and distance.

**Bulk:** If a proposed project would create a silhouette against the skyline, the silhouette must be clearly defined in terms of its actual bulk. Do we see a one story house clear against the sky? Do we see a two-story house? Do we see the corner of the structure? Or, do we see a portion of the roof only?

**Vanishing Point:** If a proposed project would create a silhouette visible from a common public viewing area, the viewing area must be clearly stated in the analysis, i.e. the project would be seen from a portion or portions of Los Laureles Grade Road when traveling on a north-south direction.

**Time:** If a proposed project would create a silhouette visible from a common public viewing area, the time or times of visibility of the silhouette must be clearly stated, i.e. the project would be seen from a portion or portions of Los Laureles Grade Road when traveling on a north-south direction for about 10 to 15 seconds at normal (allowed) speed.

**Distance:** If a proposed project would create a silhouette visible from a common public viewing area, the time or times of visibility of the silhouette must be clearly stated, i.e. the project would be seen from a portion or portions of Los Laureles Grade Road when traveling on a north-south direction for about 10 to 15 seconds at normal (allowed) speed from a distance of about 250 feet.

The determination of visibility and visual impacts would then be based on the analysis of these factors combined. A number of scenarios can result from the analysis. For example, an entire house could be visible for a very short time period and from a long distance, in which case the visual impact could be not significant; or, a substantial portion of a building is visible from a short distance on several portions of a public road with no backdrop, in which case it could result in a significant impact. If it is determined that a proposed project would result in a significant visual impact staff must:

- Determine if an alternative building site exists for development of the project whereby it would not result in ridgeline development and, if so, recommend development of the project on the alternative site; or
- Require revisions to the project to reduce visual impacts; or
- Recommend approval of project subject to mitigation measures or conditions to reduce the visual impact; or
- If staff determines that an alternative building site exists were development would not result in ridgeline development, and the applicant chooses to proceed with their original application, staff must recommend denial of the application;

## **ALTERNATIVES FOR FOLLOW UP**

Alternatives that should be discussed by the Commission include the following:

1. No changes to existing regulations or evaluation procedures;
2. Direct staff to develop new criteria and standards for determining substantial visual impact based on bulk, vanishing point, time and distance;
3. Direct staff to develop a standard for the presentation of such projects to the Commission; such standards could include written presentation and visual aids;
4. Direct staff to develop a different criteria from that presented by staff;
5. Direct staff to develop different criteria for determining what constitutes a public viewing area.