

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE June 13, 2006		(3) CONTACT/PHONE Mike Wulkan, Senior Planner, (805) 781-5608	
(4) SUBJECT Introduction of an ordinance amendment to Land Use Ordinance Section 22.92.020--Areawide Standards, Adelaida Planning Area--of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes a "Cayucos Fringe Viewshed" for Highway 1, Old Creek Road and Santa Rita Road, together with development standards to reduce the visual effects of certain new development as seen from those roads.					
(5) SUMMARY OF REQUEST The following ordinance is recommended for introduction today for hearing on June 27, 2006: County File No: G020004N--Hearing to consider a request by the County of San Luis Obispo to amend Section 22.92.020--Areawide Standards, Adelaida Planning Area--of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes a "Cayucos Fringe Viewshed," together with design standards to reduce the visual effects of highly visible, primarily residential and commercial structures as seen within one mile of Highway 1, Old Creek Road and Santa Rita Road. The proposed design standards require special building setbacks, non-reflective exterior building materials, muted colors, landscape screening, and a special building height limit on specified prominent ridgelines. The proposed amendment applies to the portion of the Adelaida Planning Area located within one-mile wide corridors generally: 1) on the north and east (inland) sides of Highway 1 between Villa Creek Road and the Adelaida/Estero Planning Area boundary north of Highway 41, 2) along either side of Old Creek Road between the coastal zone boundary and Highway 46, and 3) along either side of Santa Rita Road between Old Creek Road and the Adelaida/Salinas River Planning Area boundary. Supervisorial Districts: 2, 1					
(6) RECOMMENDED ACTION That the Board of Supervisors: Introduce the attached ordinance and direct the Clerk to set for public hearing and action on June 27, 2006.					
(7) FUNDING SOURCE(S) Current County Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Cayucos Citizens Advisory Council, Templeton Area Advisory Group, Agricultural Liaison Board, County Farm Bureau, Cattleman's Association, Agricultural Commissioner, CDF/County Fire					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Dates: 11/1/05, 5/2/06
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center">OK Leslie Brown</p> <p align="right">6-23-06 6-13-06</p>					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: MIKE WULKAN, SENIOR PLANNER
VIA: JOHN EUPHRAT, AICP, DIVISION MANAGER, LONG RANGE PLANNING
DATE: JUNE 13, 2006

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDMENT TO LAND USE ORDINANCE SECTION 22.92.020 -- AREAWIDE STANDARDS, ADELAIDA PLANNING AREA -- OF THE COUNTY LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE. THE PROPOSED AMENDMENT ESTABLISHES A "CAYUCOS FRINGE VIEWSHED" FOR HIGHWAY 1, OLD CREEK ROAD AND SANTA RITA ROAD, TOGETHER WITH DEVELOPMENT STANDARDS TO REDUCE THE VISIBILITY OF CERTAIN NEW DEVELOPMENT AS SEEN FROM THOSE ROADS.

RECOMMENDATION

That the Board of Supervisors:

Introduce the attached ordinance and direct the Clerk to set for public hearing and action on June 27, 2006.

DISCUSSION

This ordinance amendment is being introduced on your June 13, 2006 agenda in order to hold a public hearing and take action at your June 27, 2006 meeting. Discussion of the proposed amendment can occur today, however, if *substantial changes* are made to the attached amendment today, the item as *changed* will have to be introduced for adoption on June 27, 2006.

The following ordinance is recommended for introduction today for hearing on June 27, 2006:

County File No: G020004N--Hearing to consider a request by the County of San Luis Obispo to amend Section 22.92.020--Areawide Standards, Adelaida Planning Area--of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes a "Cayucos Fringe Viewshed," together with design standards to reduce the visual effects of highly visible, primarily residential and commercial structures as seen within one mile of Highway 1, Old Creek Road and Santa Rita Road. The proposed design standards require special building setbacks, non-reflective exterior building materials, muted colors, landscape screening, and a special building height limit

on specified prominent ridgelines. The proposed amendment applies to the portion of the Adelaida Planning Area located within one-mile wide corridors generally: 1) on the north and east (inland) sides of Highway 1 between Villa Creek Road and the Adelaida/Estero Planning Area boundary north of Highway 41, 2) along either side of Old Creek Road between the coastal zone boundary and Highway 46, and 3) along either side of Santa Rita Road between Old Creek Road and the Adelaida/Salinas River Planning Area boundary. Supervisorial Districts: 2, 1

The proposed amendment is attached.

OTHER AGENCY INVOLVEMENT/IMPACTS

The amendment was referred to the Cayucos Citizens Advisory Council, Templeton Area Advisory Group, Agricultural Liaison Board, County Farm Bureau, Cattleman's Association, Agricultural Commissioner, and CDF/County Fire.

FINANCIAL CONSIDERATIONS

No financial impacts to the current county budget.

RESULTS

Introduction of this amendment today will allow it to be heard on June 27, 2006 and become effective July 27, 2006. Under the amendment, certain new, primarily residential and commercial structures that are highly visible as seen within one mile of Highway 1, Old Creek Road and Santa Rita Road in a portion of the Adelaida Planning Area will be subject to design standards to reduce the visibility of the structures from those roads.



EXHIBIT A

Amendment as directed by the Board of Supervisors on May 2, 2006

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Exhibit G020004N:A
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE; CHAPTER 22.92 - ADELAIDA PLANNING AREA;
SECTION 22.92.020, REGARDING CAYUCOS FRINGE VIEWSHED

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Chapter 22.92 - Adelaida Planning Area, Section 22.92.020 - Areawide Standards - of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection C to read as follows:

C. Cayucos Fringe Viewshed. The following standards apply to new development within the area shown in Figure 92-1, as more particularly defined herein. This viewshed is established to protect a resource of public importance: views of this scenic coastal area as seen from Highway 1, Old Creek Road and Santa Rita Road.

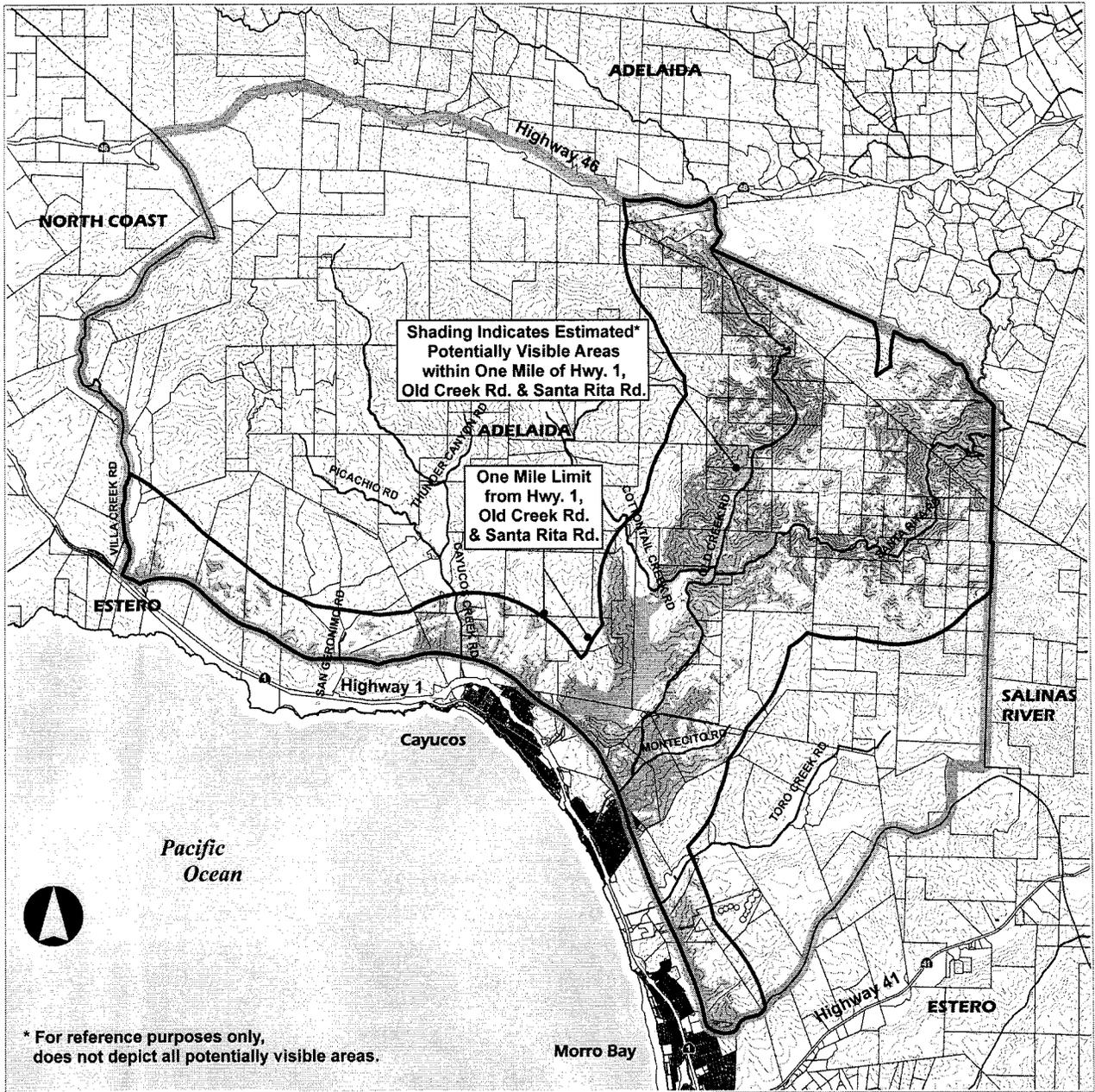
1. Purpose. This viewshed consists of all areas that are visible (as that term is defined herein) from, in a direct, unobstructed line of sight from, and within one mile of Highway 1, approximately between Toro Creek Road and Villa Creek Road. These steep, open hillsides are bisected by narrow valleys and provide a scenic backdrop to views of the bay and coastline. The primary purpose of these standards for this viewshed is to protect scenic views that help define the rural character of this area.

This viewshed also consists of areas that are visible from, in a direct, unobstructed line of sight from, and within one mile of either Old Creek Road or Santa Rita Creek Road. The hilly and steep terrain, ridgetops and hilltops, and narrow valleys that characterize that area offer scenic views that help define the rural character of the area.

2. Applicability. The following standards apply to new development of the following uses that are visible and in a direct, unobstructed line of sight, using the single most visible point of view of the entire structure, from either Highway 1, Old Creek Road or Santa Rita Road: residential, residential accessory structures and commercial structures greater than 500 square feet in area that have at least four walls and a roof that covers at least 95 percent of the structure. Agricultural and agricultural accessory structures are not subject to the following standards unless they both a) are greater than 3,000 square feet in area, and b) otherwise require a Minor Use Permit or Conditional Use Permit for the structure.

3. Exceptions. The standards in Subsections C4 and C5 do not apply in any of the following cases:

Figure 92-1: Cayucos Fringe Viewshed



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- a. **Structure not visible.** Subsections C4 and C5 do not apply when documentation is provided demonstrating that the proposed structure will not be visible in a direct, unobstructed line of sight, using the single most visible view of the entire structure from Highway 1, Old Creek Road or Santa Rita Road. Such documentation shall, at minimum, provide topographic and building elevations with preliminary grading and building plans.
- b. **Expansion or alterations of structures.** Subsections C4 and C5 do not apply to proposed alterations or expansion of structures that legally exist at the time of application submittal, provided that no aggregate increase greater than 25% of the covered floor area occurs and the alterations or expansion are in conformity with Title 19 of the County Code.
- c. **Destroyed dwellings or structures.** When a dwelling or structure is destroyed or partially destroyed to any extent by fire, explosion or act of God, the replacement dwelling shall not be required to comply with Subsections C4 and C5, provided that there is no increase in building height or covered floor area greater than 25% of the original height or covered floor area, and the restored structure is located in substantially the same location as the original structure.

4. **Permit requirement.** Zoning Clearance, except as follows:

- a. **Project not consistent with Zoning Clearance requirements.** If the Zoning Clearance application cannot be found consistent with Subsection C5, the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from Highway 1 or the roads specified in Subsection C1 are minimized.
- b. **Other land use permit required by the Land Use Ordinance.** Structures for which the Land Use Ordinance otherwise requires a Minor Use Permit or a Conditional Use Permit shall be subject to those land use permit requirements, and shall comply with the provisions of Subsections C5 and C6.

5. **Zoning Clearance requirements**

- a. **Setback.** Where possible, dwellings and structures shall be set back 100 feet from the edge of the right-of-way of the applicable roads specified in Subsection C1. If there is no feasible development area outside of this setback, then the application shall be converted to a Minor Use Permit application after the applicant pays the difference in application fees. The Minor Use Permit shall ensure that the visual impacts of new development as viewed from the applicable roads specified in Subsection C1 are minimized.



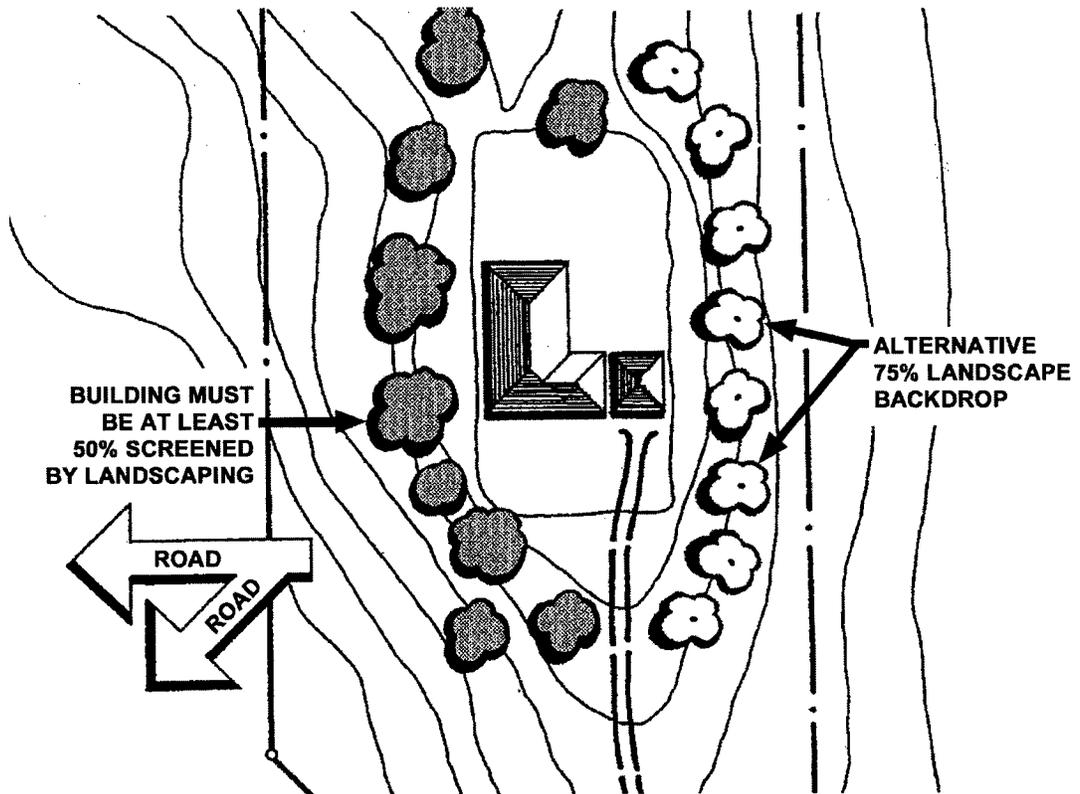
- b. **Building exterior.** Building exteriors shall use non-reflective materials. Exterior siding shall be stucco, masonry, brick, wood or wood-appearing materials, or other natural-appearing materials. The Planning Director may approve other siding materials if they are found to be in harmony with the surrounding natural environment.
- c. **Colors.** Building colors shall be similar to natural colors of the surrounding environment, and shall be no brighter than 6 in chroma and value on the Munsell color scale on file in the Department of Planning and Building.
- d. **Landscaping**
 - (1) **Landscaping plan.** A landscaping plan prepared by a licensed landscape architect or other qualified person acceptable to the Director of Planning and Building shall be submitted, and shall be used to demonstrate compliance with Subsections C.5.d.(2), (3) and (4).
 - (2) **Landscape screening, backdrop.** Landscape screening shall exist or shall be planted so that there will be at least 50 percent screening at plant maturity of structures that are visible and in a direct, unobstructed line of sight, using the single most visible point of view of the entire structure, from the applicable roads specified in Subsection C.1. As an alternative to landscape screening, a backdrop of trees shall exist or shall be planted so that there will be a 75 percent or greater backdrop at plant maturity behind structures that are visible and in a direct, unobstructed line of sight, using the single most visible point of view of the entire structure, from the applicable roads specified in Subsection C.1 (see Figure 92-2). The landscape screening or backdrop shall consist of native or low water-using vegetation (no invasive species) that is fire-resistant, and shall occur at the building site rather than along a public road. The landscape screening shall maximize use of evergreen trees and large-growing shrubs that have shapes similar to existing vegetation. Landscape screening shall be reasonably maintained for the life of the structure.
 - (3) **Landscape screening for structures in ridgetop areas.** This standard applies only when proposed dwellings or structures are a) visible in a direct, unobstructed line of sight, using the single most visible point of view of the entire structure from the applicable roads specified in Subsection C1, and b) located so that the highest point of the proposed structure occurs within the top 25 feet (topographically, see Figure 92-4) of any of the prominent ridgelines shown in Figure 92-3. In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. A landscape plan and landscape

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screening shall be required in accordance with Subsections C.5.d.(1) and (2), except that landscape screening shall exist or shall be planted so that there will be at least 75 percent screening (no landscape backdrop) at plant maturity of structures or portions of structures that are visible and in a direct, unobstructed line of sight, using the single most visible point of view of the entire structure, from the applicable roads specified in Subsection C.1.

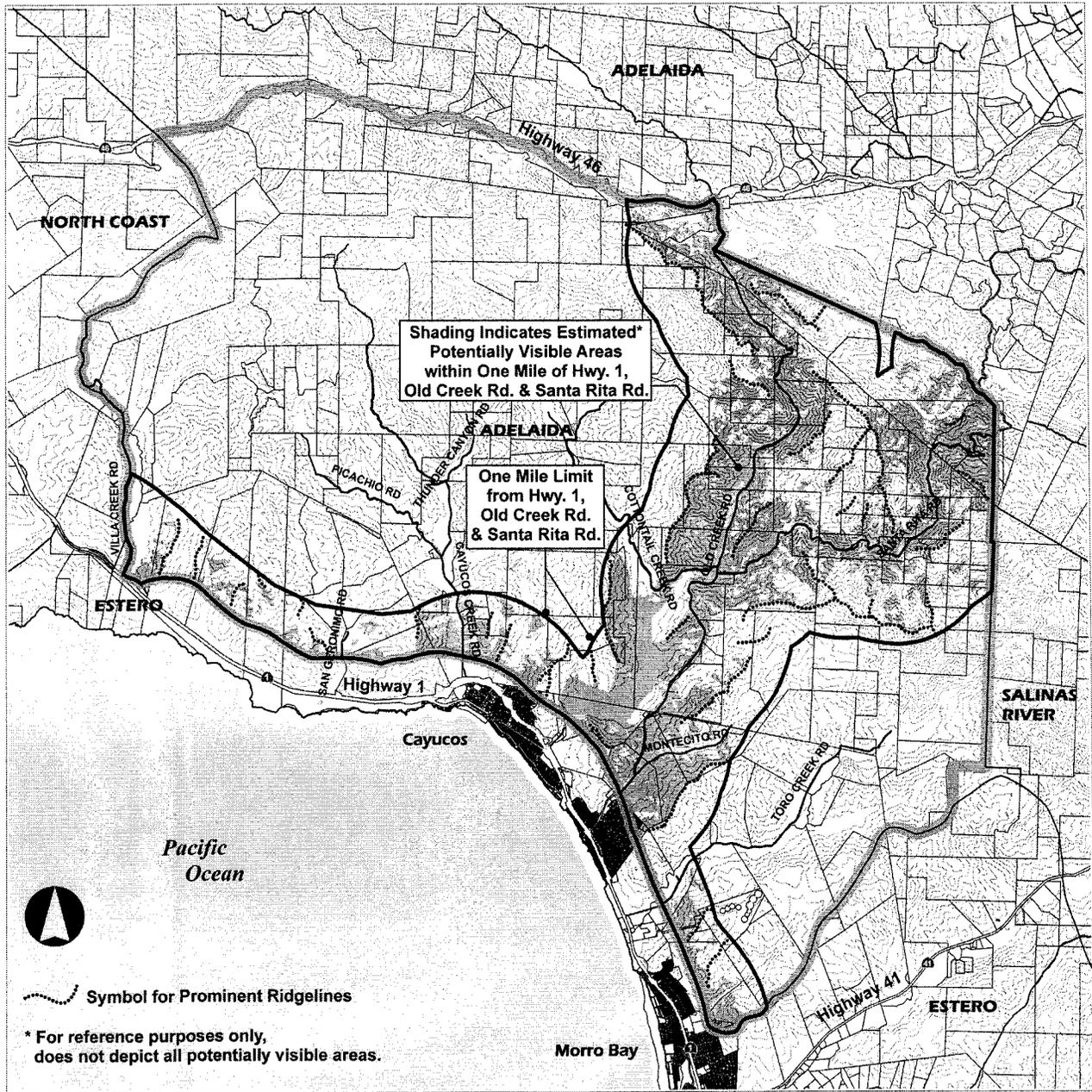
- (4) **Guarantee of maintenance and survival.** A performance bond or equivalent financial guarantee shall be required to guarantee the maintenance and survival of required landscaping for a period of five years.

Figure 92-2: Landscape Screening, Backdrop



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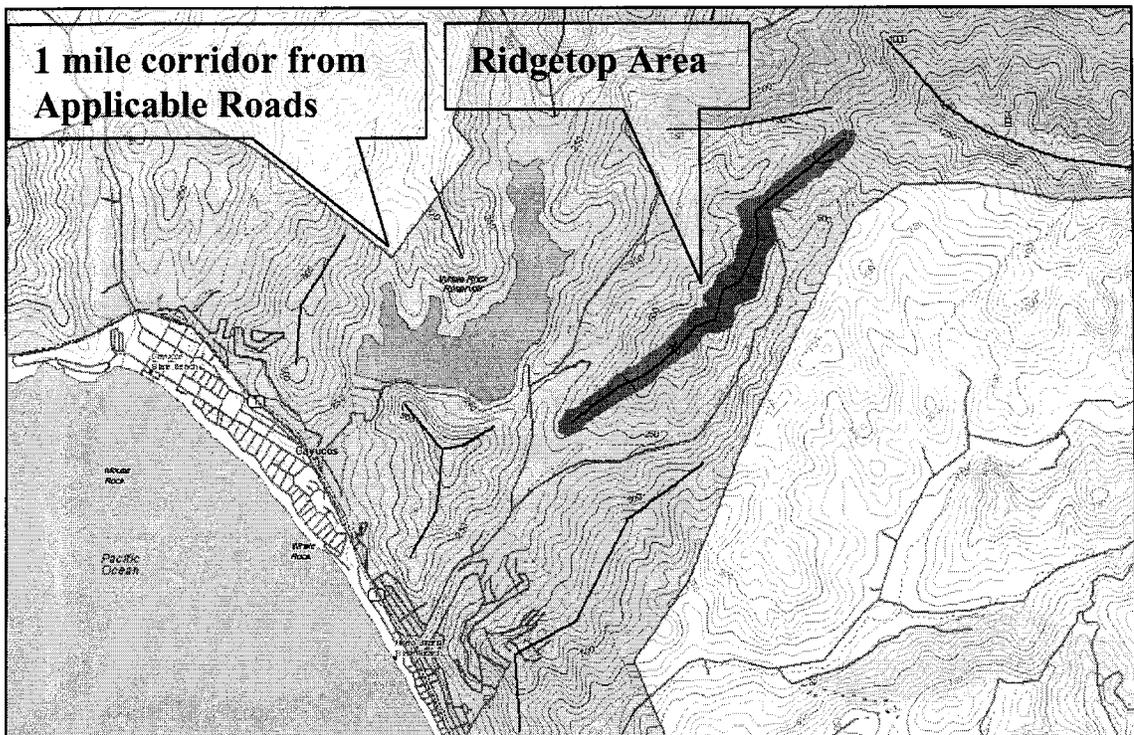
Figure 92-3: Cayucos Fringe Viewshed: Prominent Ridgelines



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- e. **Building height.** This standard applies only to proposed dwellings or structures that are visible and within the ridgetop areas, as specified in Subsection C.5.d.(3). In order to determine whether this standard applies, the Planning Director may require a visual analysis, including topographic and building elevations, prepared by a qualified person acceptable to the Director of Planning and Building. The maximum building height is 28 feet, measured as described in Section 22.10.090.
- 6. **Projects requiring environmental review.** When proposed projects require environmental review in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (CEQA), potential visual impacts of proposed structures shall be evaluated in accordance with CEQA, and applicable mitigation measures shall be applied in accordance with CEQA.
- 7. **Public notice for Minor Use Permits and Conditional Use Permits.** Public notice or Minor Use Permits and Conditional Use Permits shall be given as provided in Chapter 22.72, except that notice shall be given to all owners of real property, as shown on the latest equalized assessment roll, within 1,000 feet of the boundaries of the subject site.

Figure 92-4: Example of Ridgetop Area Along Prominent Ridgeline



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SECTION 2: That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

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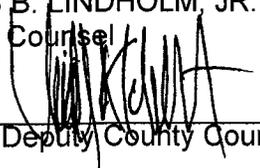
ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: 

Deputy County Counsel

Dated: 6.1.06

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