

## Exhibit B

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## Exhibit B

### **DISCUSSION:**

The applicant requests the Lot Line Adjustment to reconfigure three parcels which will concentrate three building sites near the highest point of the existing three parcels. The existing parcel sizes are:

Parcel C:	13.49 acres
Lot 4:	7.4 acres
Lot 6:	19.1 acres

The proposed parcel sizes are:

Lot 1	2.9 acres
Lot 2	3.6 acres
Lot 3	33.5 acres

The three new building sites would be in the location of the existing parcel C (see Exhibit C) in the northwest corner of the site. This location is along a ridgeline that is prominent when viewed from areas within the Elkhorn Slough, Elkhorn Road near the entrance to the Elkhorn Slough Foundation, and can be seen from Elkhorn Road at the intersection with Walker Valley Road.

Currently Parcel C is provided access from an existing road easement extending to Long Valley Road, and existing Lot 4 and Lot 6 have access directly from Long Valley Road. Under the adjusted condition all three lots would take access from the private road extension. This is currently a gravel one lane access road.

Lot Line Adjustments are required to comply with General Plan, Specific Plan and Zoning Requirements. The site is within the Coastal Zone and so it must also be consistent with the Local Coastal Plan, in this case the North County Coastal Land Use Plan.

### **Consistency with Land Use and Zoning**

The property has a Land Use and Zoning Designation of Rural Density Residential. The Zoning density is 10 acres per unit. Density does not establish minimum parcel size; it identifies how many units can be constructed in a given area. In this case the density of one unit for every 10 acres would allow a total of four units on the subject property (40 acres in total area.) The RDR district establishes a minimum lot size or building site as follows:

*“The minimum building site shall be 5 acres unless otherwise approved as part of clustered residential development.”*

The applicant is requesting to create three parcels of 2.9, 3.6 and 33.5 acres. The existing parcels all conform to the minimum lot size requirements. Under the proposed Lot Line Adjustment, the 33.5 acre parcel complies with the minimum lot size requirement, but the 3.6 and 2.9 acre parcels

are less than the 5 acre minimum. This 5 acre minimum can be reduced if done as part of a “clustered residential development.” Normally, a clustered development is done in a manner that maintains allowed density on a parcel while leaving a larger open space area intact as part of a resource preservation measure.

The overall trend of the Land Use Plan is toward preservation of resources, so the clustering should be tied to some resource protection benefit. It is clear that absent the clustering that the overall policy guidance in the RDR land use is toward larger lots. The NCLUP defines the Rural Residential Land Use as follows:

*G. Rural Residential*

*Low density residential and agricultural development is the primary use of this category. Development densities from 1 unit on 40 or more acres to a maximum of 1 unit per 5 acres would be allowed according to an evaluation of existing resource and public facilities constraints, and the residential character of the area. Site densities will be determined upon application review.*

The Planning Commission must interpret whether it is appropriate to use the Zoning Ordinance clustering provision as part of this Lot Line Adjustment. The provision provides flexibility for situations where the resulting lot configurations are in keeping with the policy objectives of the Land Use Plan. If the proposal better achieves the goals and policies of the Land Use Plan then this provision is appropriate, but if the result is a lot pattern that conflicts with provisions of the Land Use Plan then the clustering provision should be rejected and the 5 acre minimum lot size should be adhered to.

A consideration with the concept of clustering in this application is that the 33.5 acre lot would then be subject to the possibility of further subdivision. Future owners could see the lot as having the potential to subdivide. If this Lot Line Adjustment were approved, future subdivision would be inconsistent with the development density assigned by the Land Use. One option would be to place a deed restriction on the property stating that it could not be subdivided beyond one additional lot. This type of condition is often ineffective because either it is missed years after the fact, or the rationale for the deed restriction is forgotten. A far more reliable measure would be to rezone the property with a B-6 overlay to prevent further subdivision. This would be something that would be identified as part of any zoning review. If the Planning Commission finds that this subdivision constitutes an acceptable clustered development, then the site should receive a B-6 zoning overlay.

### **North County Coastal Land Use Plan**

- ESHA Protection of Environmentally Sensitive Habitat Areas is a critical objective of the North County Coastal Land Use Plan. Among the critical habitat areas of the North County is the Maritime Chaparral. The following two policies identify that when Maritime Chaparral is present, especially on slopes in excess of 25%, it should be protected with a conservation easement.

NCCLUP Policy 2.3.2.6

*The County shall ensure the protection of environmentally sensitive habitats through deed restrictions or dedications of permanent conservation easements. Where land divisions or development are proposed in areas containing environmentally sensitive habitats, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.*

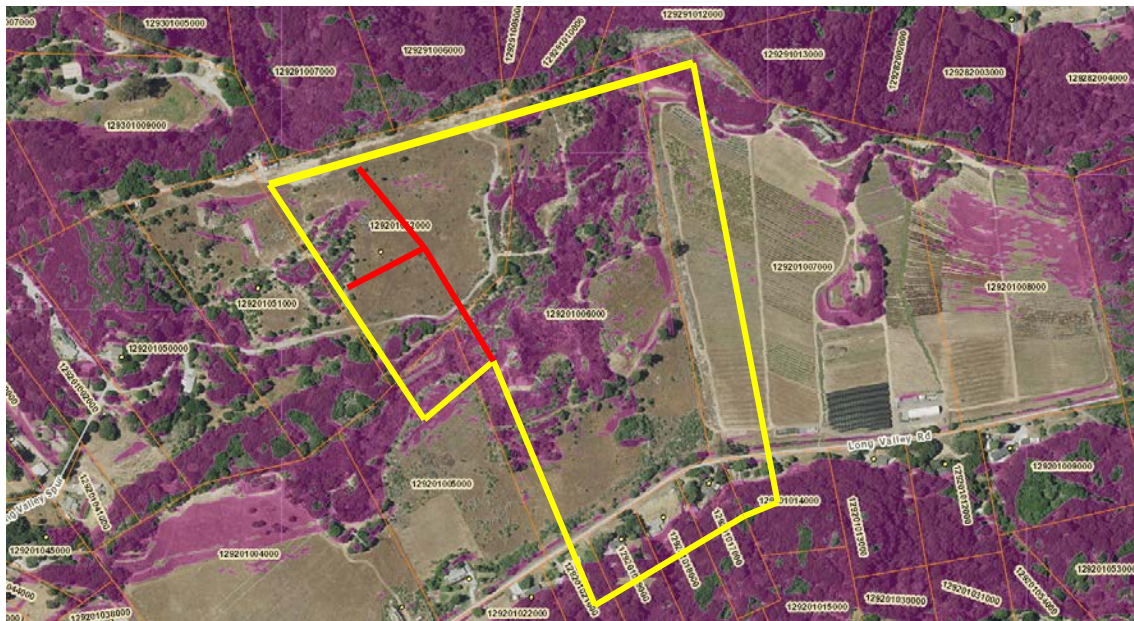
NCCLUP Policy 2.3.3.2

*Maritime chaparral is an uncommon, highly localized and variable plant community that has been reduced in North County by residential and agricultural development. Further conversion of maritime chaparral habitat to agricultural uses is highly discouraged. Where new residential development is proposed in chaparral areas, it shall be sited and designed to protect the maximum amount of maritime chaparral. All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.*

The site was surveyed and it was identified that there is Maritime Chaparral on the property. (See Biological Report in Exhibit F.) None of the Maritime Chaparral is located in the proposed building sites. The aerial photo below shows the property with vegetation cover. The area of the non-grassland vegetation is primarily Maritime Chaparral. The color overlaid on the aerial photo shows the location of slopes in excess of 25%. There is a huge area of Maritime Chaparral on slopes in excess of 25% on the existing Lots 4 and 6 or the resultant Lot 3. These existing parcels could be developed outside of the Maritime Chaparral with access off of Long Valley Road. The Lot Line Adjustment would place the development up on what is now Parcel C which is predominantly grassland, with the exception of a finger extending into the western portion of the parcel.

Approval of the Lot Line Adjustment with all development clustered in the northwest corner of the site, would minimize the potential degradation of the Maritime Chaparral on slopes in excess of 25%, particularly with the requirement that all areas covered by Maritime Chaparral or with slopes in excess of 25% be covered with a conservation easement.

Aerial showing 25% slopes and locations of Maritime Chaparral



- Visual Resources. This is not identified as a visually sensitive area in the North County Coastal Land Use Plan; however placement of future homes at the upper elevations of the property have the potential to create ridgeline development. The Policies of the North County Coastal Land Use Plan, and Implementation plan (applicable policies listed below) do not support a project which would result in Ridgeline Development or development which would significantly affect a ridgeline. Building envelopes have not been established on the proposed lots to demonstrate that there will not be ridgeline development, but there was staking installed which demonstrated the potential for ridgeline development. Poles at 24 feet tall were placed at the possible building pad locations for lots 1 and 3. Based on this there is the potential for Ridgeline development.

Parcel 2 has room at lower elevations to allow development without ridgeline development, and Parcel 3 could allow development of a house without ridgeline development at the lower elevations on the property. The applicant would like to take advantage of the grove of eucalyptus trees located on top of the ridgeline as evidence that a house located at the ridgeline will not constitute ridgeline development. From some angles a 24 foot tall structure will still result in ridgeline development and if the trees are ever removed, the house would be sitting in plain view on top of the ridgeline from all angles. A clearly delineated plan should be developed so all will know what the development opportunities and limitations are.

Proposed Parcel 1 is constrained on the lower elevations due to the presence of Maritime Chaparral and slopes in excess of 25%. It has not been determine whether a house can be constructed on this lot without it constituting ridgeline development. The language of the Implementation Plan below is very clear that a Lot Line Adjustment shall not create a lot that would result in Ridgeline Development. There is currently a lack of evidence to demonstrate

that proposed lot 1 could be developed without being ridgeline, and the applicant wants the view from the top of proposed lot 3. Based on this, complete flagging and staking should be completed in order to conclusively demonstrate that the lots will not result in ridgeline development.

*NCCLUP Policy 2.2.2.4*

*The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.*

*NCCLUP Policy 2.2.3.1*

*The scenic areas of North County including the coastal beaches and dunes, estuaries, wetlands, slopes adjacent to scenic corridors and viewpoints, and ridges shall be zoned for scenic conservation treatment.*

*North County Implementation Plan 20.144.030.B.6*

*Development constituting "ridgeline development shall not be allowed unless a Use Permit is first obtained. Ridgeline development is 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. A use permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal, or otherwise better meet resource protection policies of the North County Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, design, size, location, and siting, and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area*

*North County Implementation Plan 20.144.030.B.7*

*New subdivisions and lot line adjustments shall not configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline - development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and a building height envelope that provides specifications for nonridgeline development on the lot(s) in question. Both envelopes shall require approval of the Director of Planning and an on-site investigation by the project planner prior to such approval.*

## Concern expressed by the Public

Several neighbors have expressed concern with this Lot Line adjustment going forward. These concerns are summarized here and included in the letters submitted (Exhibit E.)

1. **Concern with Ridgeline Development.** As discussed above this is an issue associated with this application for which adequate answers have not yet been provided.
2. **Creation of Non-conforming lot sizes.** As discussed above lots may be smaller if approved as part of a clustered development. Public concern that the 5 acre minimum lot size should be maintained. One neighbor assumed that the minimum lot size is 10 acres and wants that size to be maintained.
3. **Clustering is inconsistent with RDR Policies.** As discussed above this is a policy decision within this application.
4. **Future Lot Line Adjustments.** In a letter from the applicant to the neighbors, the applicant expresses intent to do a series of Lot Line Adjustments and place 5 lots at the knoll of this hill.
5. **Water.** Concern that the existing well cannot support all the houses. Request that applicants demonstrate they have the water to support development. The three existing lots are presumed to have development potential. The modification of the lot lines does not affect development potential. The lots are sized to provide both individual wells and septic, or to participate in an existing water system.
6. **Road Paving.** Concern that this development could trigger a requirement to pave the existing access road which would impose costs on two other lots. The existing road is not paved or graded to provide emergency access. As part of any future development of either the existing Parcel C, or the three reconfigured lots, the road would need to be improved to meet emergency access standards.
7. **Access.** Access would be across an easement that was established as part of a subdivision that created three lots. Parcel C which is part of this subdivision currently is at the end of this easement. Under the proposed Lot Line Adjustment, two additional lots would use this road for access.

## Conclusion

This application is dependent upon the concept of clustering as allowed in the RDR district. On the positive side the resultant lot configuration would allow the areas covered with Maritime Chaparral to be set aside in a Scenic and Conservation easement.

The application presents a policy issue of whether it is appropriate to concentrate development along a ridgeline and create the potential for ridgeline development. Because the potential for ridgeline development is high staff would not recommend approval of the application with the current amount of information and as currently configured. If the Planning Commission is willing to consider the concept of clustering, complete three dimensional building envelopes need to be established to demonstrate that these reconfigured lots will not result in ridgeline development.



The concept of clustering provides important flexibility when designing around resource constraints. The concern here is related to the fact that there are potential policy implications that result from this proposal (ridgeline development) and as such this does not meet the development goals of the North County Land Use Plan. Until it can be demonstrated that this proposal does not result in ridgeline development, this application should not be approved.

Staff recommends that the Planning Commission determine whether this application is an appropriate use of the allowance for clustering of residential development. If it is not, then the Planning Commission should continue the public hearing and adopt a motion of intent to deny the application. If the Planning Commission finds that the use of clustering is appropriate in this situation, then the public hearing should be continued with direction to prepare three dimensional building envelopes to demonstrate how the proposed parcels can be developed without causing ridgeline development.

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