

RESOLUTION NO. BOS-2021-63

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SANTA CLARA AMENDING THE SANTA CLARA COUNTY GENERAL
PLAN POLICIES RELATED TO RECREATIONAL VEHICLE PARKS,
ABOLISHING THE 1994 RV PARK DEVELOPMENT DESIGN
GUIDELINES, AND FINDING THE VARIOUS ACTIONS RELATED TO RV
PARKS TO BE EXEMPT FROM CEQA
(File No. PLN20-005 and PLN17-11081)**

WHEREAS, the Santa Clara County General Plan (1995-2010) (“General Plan”), which was comprehensively revised and adopted in 1994, has been updated and amended over time to incorporate desired policy changes, reflect changing conditions and needs, and satisfy state requirements;

WHEREAS, among other things, the General Plan focuses on preserving the natural resources and rural character of unincorporated lands and directing urban development into the various cities’ Urban Service Areas to promote compact urban development and infill within city boundaries, thus preventing urban sprawl from encroaching into the unincorporated areas and further impacting the remaining rural and open space resources;

WHEREAS, on October 18, 2018, the Housing, Land Use, Environment, and Transportation Committee (“HLUET”) of the Board of Supervisors (“Board”) received the 2018 Recreational Vehicle (RV) Parks Study and accompanying recommendations from the Department of Planning and Development (“Department”) to modify the County’s General Plan and Zoning Ordinance to limit areas in which new RV Parks could potentially be established to properties with the General Plan land use designation of Roadside Services (“RS”);

WHEREAS, following HLUET’s acceptance of the Department’s recommendations, the Department prepared General Plan and Zoning Ordinance amendments to address changes in state law governing the construction and operation of RV Parks under the Special Occupancy Parks Act (“SOPA”), Health & Safety Code § 18860 *et seq.*, including limitations on the County’s ability to enforce short-term stay requirements;

WHEREAS, the proposed General Plan amendments, which are in Exhibit A attached to this Resolution, would update the General Plan policies related to RV Parks, including limiting the areas in which new RV parks could potentially be established to properties with the General Plan land use designation of Roadside Services (“RS”);

WHEREAS, the Department also recommends that the Board abolish the 1994 RV Park Development Design Guidelines because the relevant provisions of the Guidelines are addressed in the proposed amendments to the Zoning Ordinance and SOPA regulations;

WHEREAS, the San Martin Planning Advisory Committee (SMPAC) considered the proposed General Plan and Zoning Ordinance amendments at its March 24, 2021 regular

meeting, and voted to forward a favorable recommendation to the Planning Commission but to retain the current length-of-stay limits for RV Parks in General Plan policy R-LU 85;

WHEREAS, at its March 25, 2021 regular meeting, the Planning Commission held a duly noticed public hearing to consider the recommendations from SMPAC and staff, receive public testimony, and deliberate regarding the proposed General Plan and Zoning Ordinance amendments and voted to forward a favorable recommendation to the Board;

WHEREAS, the Santa Clara County Airport Land Use Commission considered the proposed General Plan and Zoning Ordinance amendments at its April 28, 2021 regular meeting and voted to find the proposed amendments consistent with the policies contained within the San Martin Airport Comprehensive Land Use Plan;

WHEREAS, the proposed actions related to RV Parks have been reviewed in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and determined to be exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines; and

WHEREAS, at its May 25, 2021 regular meeting, the Board held a duly noticed public hearing to consider staff recommendations, receive public testimony, and deliberate regarding the proposed General Plan amendments.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDING WITH RESPECT TO CEQA:

The proposed Project, which includes the General Plan amendments and related actions related to RV Parks, including adoption of the Zoning Ordinance amendments and abolition of the 1994 RV Park Development Design Guidelines, is exempt from review under the California Environmental Quality Act (CEQA), Pub. Res. Code §§ 21000 *et seq.*, pursuant to CEQA Guidelines Section 15061(b)(3). New RV Parks are currently allowed in RS zones as well as in Hillsides (“HS”), Rural Residential (“RR”), and General Use (“A1”) zones if a discretionary use permit is obtained from the County. The proposed Project would limit new RV Parks to RS zones if a discretionary use permit is obtained from the County. Therefore, it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment as compared to the existing environment.

THE BOARD OF SUPERVISORS HEREBY FURTHER FINDS WITH RESPECT TO THE PROPOSED GENERAL PLAN AMENDMENTS:

A. Planning Commission Public Hearing and Recommendation.

The Planning Commission held a properly noticed public hearing regarding the proposed General Plan amendment on March 25, 2021 in compliance with Government Code section 65353, and voted to forward a favorable written recommendation to the Board in compliance with Government Code section 65354.

B. Public Outreach.

The County's public outreach efforts related to the proposed Project included, but were not limited to the following:

1. A publicly noticed December, 19, 2019 study session was held with the San Martin Planning Advisory Committee (SMPAC);
2. A publicly noticed December, 20, 2020 study session was held with the County Planning Commission;
3. Two public outreach meetings — one at the South County Office Building in San Martin on February 25, 2020, and one at the Grant Park and Community Center in Los Altos on March 4, 2020 — were held, which were announced on the Department's project website, shared on social media, and broadcast to relevant stakeholders such as neighborhood groups, frequent applicants, and RV Park owners and applicants;
4. A stakeholder meeting that was intended for RV Park owners and scheduled for February 20, 2020 was ultimately cancelled when no responses were received;
5. A public outreach meeting was held via Zoom on March 22, 2021 for interested parties for which notice was provided on the Department's project website;
6. A public outreach meeting was held via Zoom on April 15, for interested parties for which notice was posted on the Department's project website; and
7. A roundtable meeting for RV Park owners was held via Zoom on May 6, 2021.

C. Substantial Modifications Considered by the Planning Commission.

No substantial modifications have been made to the General Plan amendments that were not previously considered by the Planning Commission when the Commission forwarded its written recommendation to the Board. Therefore, no referral to the Planning Commission pursuant to Government Code section 65356 is required.

D. No General Plan Inconsistencies.

Amendment to the General Plan would not create any internal General Plan inconsistencies or otherwise cause the General Plan to be deficient.

E. The Amendments Are in the Public Interest.

The General Plan amendments are in the public interest because they will ensure that RV Parks are located in areas that are consistent with other policies in the General Plan, including policies that preserve rural areas and limit uses in rural areas to those that are low-intensity.

General Plan policy R-LU (i) 6 called for the preparation of an RV Park study to analyze the impacts, density, mitigation measures, and other implications of RV Parks in rural areas. This study was completed in 2019 and one of the key findings was that, although the original intent of allowing RV Parks in rural areas was to provide short-term stays for the traveling public, a significant number of RV Park spaces are now used for long-term housing, which is a use that is better suited for cities than rural unincorporated areas of Santa Clara County.

F. Information Considered.

In taking action on the General Plan amendments, the Board fully reviewed and considered the information contained in the staff reports, Planning Commission recommendations, oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.

G. Administrative Record.

The administrative record for this action is located in the Office of the Clerk of the Board of Supervisors, and in the Department of Planning and Development. The custodian of documents for the administrative record is: Megan Doyle, Clerk of the Board, 70 W. Hedding Street, 10th Floor, East Wing, San José, California 95110.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, based on the foregoing and all of the oral and written testimony and materials presented:

1. The amendments to the General Plan attached hereto and incorporated herein as Exhibit A are adopted effective on the same date that the proposed Zoning Ordinance amendments related to RV Parks (Ordinance No. NS-1200.378) become effective;

2. The amendments to the General Plan attached hereto and incorporated herein as Exhibit A shall not apply to any pending use permit application for an RV Park that the County Department of Planning and Development has deemed complete in accordance with Section 4.20.080 of the Zoning Ordinance on or before the effective date of the General Plan amendments, provided any such application is not abandoned, and any such complete application shall instead be subject to all provisions of the General Plan and Ordinance Code, including Appendix I, Zoning, that were applicable to the application on the date immediately preceding the effective date of the General Plan amendments adopted pursuant to this Resolution; and

//

//

//

3. The 1994 RV Park Development Design Guidelines are abolished.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara,
State of California, on MAY 25 2021 by the following vote:

AYES: **CHAVEZ, ELLENBERG, LEE**
SIMITIAN, WASSERMAN

NOES: NONE

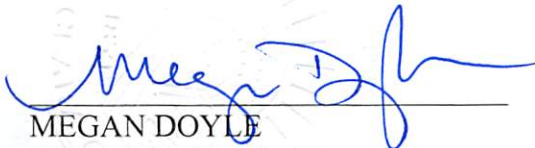
ABSENT: NONE

ABSTAIN: NONE



MIKE WASSERMAN, President
Board of Supervisors

Signed and certified that a copy of this
document has been delivered by electronic
or other means to the President, Board of Supervisors.
ATTEST:



MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



LIZANNE REYNOLDS
Deputy County Counsel

Exhibit A – General Plan Amendments

EXHIBIT A

General Plan Amendments

Hillsides

[...]

R- LU 27

Land uses proposed for inclusion within the Hillside zoning ordinance may be evaluated for conformity with the intent of this land use designation by various measures of land use intensity, including but not limited to:

- waste water generation rates;
- traffic generation rates;
- extent of grading, vegetation removal, drainage modifications, or other alteration of the natural environment;
- noise or other nuisance potential; and
- growth-inducing potential.

Development Policies – Non-Residential Open Space Preservation

R-LU 28

For all uses allowed in Hillsides areas other than agricultural and single-family residential land uses, open space preservation by means of easement dedication may be required in order to:

- protect the public health, safety and general welfare;
- prevent or mitigate potentially significant adverse environmental impacts; and/or
- to create perimeter areas that adequately buffer neighboring properties from adverse off-site impacts of the proposed land use.

R-LU 29

The nature and duration of an open space or conservation easement shall be commensurate with: a. the nature of the land use; b. the duration to which that use has been entitled through County permitting procedures; and c. the extent of alterations made to the natural landscape.

Rural Unincorporated Area Issues and Policies

R-LU 30

Land uses which do not receive a permanent entitlement should not be required to dedicate open space or conservation easements of permanent nature, unless required as a mitigation for alterations made to the natural landscape.

Development Policies – RV Park

R-LU 31

~~Recreational vehicle (RV) parks shall primarily serve the needs of the traveling public for short term accommodations.~~

- ~~At least sixty five (65%) percent of all spaces within an RV park shall be designed for and designated as short-term occupancy spaces (i.e., fewer than 30 days);~~
- ~~Twenty five (25) percent of the total number of spaces may accommodate stays of up to one hundred eighty (180) days;~~
- ~~Ten (10) percent of the total number of park spaces may accommodate stays of up to three hundred sixty (360) days.~~

~~[Amended Dec. 5, 1995, File#: 6010-95GP; and August 5, 1997, File#: 6010-96GP]~~

Policy R-LU 32 deleted. See NOTE below.

R-LU 33

~~Recreational vehicle park development should confirm to the adopted policies, ordinances and design guidelines of the County of Santa Clara.~~

NOTE: Policies R-LU 32 and 34 were deleted by an amendment to the General Plan adopted Dec. 5, 1995. [File #: 6010-00-00-95GP]



Roadside Services

Development Policies

R-LU 83.1

The minimum lot size for the establishment of new Roadside Services land use designations and for subdivision of land designated Roadside Services shall be five (5) acres. [Amended Policies R-LU 83 and 83.1 Sept. 12, 2017; File#: 10992-17GP]

R-LU 84

Proposals for new or expanded Roadside Service designations or uses shall be reviewed and mitigated for their individual and cumulative impacts upon:

- a. scenic and environmental resources;
- b. traffic levels and traffic hazards;
- c. demands for public services;
- d. adjacent land uses; and,
- e. potential for growth-inducing impacts.

Development Policies - RV Parks

R-LU 85

Recreational Vehicle (RV) Parks shall primarily serve the needs of the traveling public for short-term accommodations unless an exemption from this requirement is obtained from the County pursuant to state law.

- a. ~~At least sixty five (65%) percent of all spaces within an RV park shall be designed for and designated as short-term occupancy spaces (i.e., fewer than 30 days);~~
- b. ~~Twenty five (25) percent of the total number of spaces may accommodate stays of up to one hundred eighty (180) days;~~
- c. ~~Ten (10) percent of the total number of park spaces may accommodate stays of up to three hundred sixty (360) days.~~

[Amended Dec. 5, 1995; File#: 6010-95GP; and Aug. 5, 1997; File#: 6010-96GP]

NOTE: Policies R-LU 86-87 were deleted by an amendment to the General Plan adopted Dec. 5, 1995. [File#: 6010-95GP]

R-LU 88

Recreational vehicle park development should conform to the adopted policies, ordinances and design guidelines of the County of Santa Clara, where applicable.

Solid Waste Disposal Sites

R-LU 89

New or expanded solid waste disposal sites (landfills) shall be allowed only if in conformance with the General Plan and compatible with surrounding land uses.

R-LU 90

New, existing and inactive disposal sites shall be designated on the Land Use Plan.

1. New sites may be allowed only if issued a use permit and if they comply with all state and local regulations regarding operations and reclamation.
2. Expansions of existing landfills must apply for modification of the existing use permit and reclamation plans.

R-LU 91

Once the use of a solid waste disposal site has been terminated, the site shall be reclaimed for subsequent allowable open space uses, including, but not limited to parks, preserves, or other waste management-related uses (composting, transfer sites, etc.).

R-LU 92

No solid waste disposal site shall be used for residential development or any structures for human occupancy.



Implementation Recommendations - General

R-LU (i) 7

Explore the potential feasibility and effectiveness of establishing a program for 'Hillsides' viewshed parcel consolidation and clustering incentives.

- a. Define the pilot study area(s) with patterns of existing, non-conforming, contiguous parcels to which the program could apply.
- b. Develop regulations to encourage parcel consolidation and cluster incentives.
- c. Based upon results of the pilot area implementation, modify if necessary and expand the program to additional areas.

[Note: for further elaboration on the intent and details of the recommendation, refer to Open Space 2020 recommendation on which this is based].

R-LU (i) 8

Conduct a review of the uses permitted in the 'Hillside' zoning ordinance for conformity with General Plan policies governing allowable uses in areas designated 'Hillsides.'

R-LU (i) 9

Review and revise the 'Hillside' zoning ordinance to specify the maximum permissible sizes of facilities allowed in conjunction with golf courses, including clubhouses, overnight accommodations, and restaurants.

R-LU (i) 10

Review and revise the 'Hillside' zoning ordinance to more precisely define the nature and allowable densities of retreats, guest ranches, and similar uses involving overnight accommodations.

~~*R-LU (i) 11*~~

~~Conduct an annual survey of each recreational vehicle (RV) park in the rural unincorporated area to determine:~~

- ~~a. the number of RVs that stayed at the park for more than 30 days during the past year; and,~~
- ~~b. for those RVs that stayed more than 30 days,~~
 - ~~1. the number of days they stayed, and~~
 - ~~2. the number of school age children living within them.~~

Implementation Recommendations - City of Morgan Hill Urban Growth Boundary

R-LU(i) 12

Establish explicit, objective planning criteria, findings, or prerequisites that will serve as the basis for considering proposals to modify the location of the UGB. These may include but are not limited to standards for adequate land supply reserves, availability and levels of urban services, consistency with circulation and other plan elements, demographic projections, and resource conservation criteria. (Implementor: City of Morgan Hill and County of Santa Clara)

R-LU(i) 13

Compare actual and assumed growth rates at five year intervals and re-establish a 25 year land supply if the available supply within the long term UGB falls to less than approximately 20 years of developable land. (Implementor: City of Morgan Hill)

R-LU(i) 14

Develop consistent, coordinated procedures to implement and maintain the UGB. (Implementor: City of Morgan Hill and County of Santa Clara)

R-LU(i) 15

Establish a referral process for unincorporated project proposals and General Plan or zoning interpretation issues which might be incompatible with the goals, objectives and policies of the Morgan Hill/Santa Clara County long term UGB. (Implementor: County of Santa Clara)

R-LU(i) 16

Support and affirm the County's Right-to-Farm Ordinance and adopt a local Right to Farm Ordinance to apply to those areas within the Morgan Hill city limits. (Implementor: City of Morgan Hill and County of Santa Clara)

Note: Implementation Recommendations R-LU(i) 17-24 relating to the City of San Jose Urban Growth Boundary (UGB) Area have been set aside by resolution of the Board of Supervisors December 9, 1997, until further notice.