

The Conservation and Open Space Element guides the County in the long-term conservation and preservation of open space lands and natural resources while protecting private property rights. The County's intent is not to alter existing regional, state or federal laws and regulations, but rather to enable greater cooperation among public agencies and the public to share management responsibilities in accomplishing the shared goal of conserving and protecting the resources of the region.

This Element incorporates the state-mandated requirements for the Open Space and Conservation Elements and also addresses scenic resources, cultural and historic resources, and energy and mineral resources. Policies regarding natural environmental hazards, such as flooding, are addressed in the Safety Element, and recreational policies are addressed within the Public Services Element.

State law mandates that: *“Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.”* The primary land uses around the two active military installations in Monterey County (Fort Hunter Leggett and Camp Roberts) are Resource Conservation or a form of Agricultural Land use.

Among the more prominent features within Monterey County are the Santa Lucia and Gabilan Mountain Ranges, the Salinas and Carmel Valleys, and about 100 miles of coastline. Of special note are such features as the Elkhorn Slough (North County), sandy beaches of Monterey and Carmel Bays, and the rocky shores/cliffs of the Monterey Peninsula and the Big Sur coast.

Granite and metamorphic rocks form the Gabilan and Santa Lucia mountain ranges, characterized by steep slopes and complex drainage patterns. The Salinas Valley, although underlain by granite, contains several thousand feet of sediment that have a greater seismic hazard but are the source of productive agricultural soils. Although the County contains useful minerals, the tremendous complex geology caused by extensive faulting and deformation makes investigation difficult and inconclusive.

Plants representative of almost all parts of California (except for the highest mountains and driest deserts) are found in Monterey County. Monterey is the biological center of California; many plant species that find either their northern or southern limits can be found in Monterey County. In addition, a high number of plant species are native only to Monterey County.

The County's coast offers a wide range of habitats, including sandy beaches, rocky shoreline, kelp beds, estuaries, wetlands, and submarine canyons. An abundance of sea life and coastal marine life off the Monterey County coast is directly related to the variety and quality of habitat. Although a few broad policies are provided in this General Plan, most policies addressing coastal resources are included separately as part of the Local Coastal Program.

The County has recognized the need to discover and identify places of historical and cultural significance and to preserve the physical evidence of its historic past. A countywide historic preservation ordinance is implemented by the Parks Department's Historical Coordinator and

Historic Resources Review Board. Policies of this ordinance stress incentives to preserve sites that have proven historical or cultural significance, including any identified as part of an adopted County Historic Preservation Plan.

Monterey County, along with the Counties of Santa Cruz and San Benito, lies within the North Central Coast Air Basin. Air quality within this basin is monitored by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The District maintains three air quality monitoring stations (Salinas, Monterey, and mid-Carmel Valley) in Monterey County. The District sets limits on the quantities of air pollution which may be emitted and has permit authority over new or major modifications to existing stationary sources of air pollution. Control of mobile sources is exercised at the state (California Air Resources Board) and federal (Environmental Protection Agency) levels for the Monterey Bay area.

# GOALS AND POLICIES CONSERVATION AND OPEN SPACE

## *SCENIC RESOURCES*

### GOAL OS-1

**RETAIN THE CHARACTER AND NATURAL BEAUTY OF MONTEREY COUNTY BY PRESERVING, CONSERVING, AND MAINTAINING UNIQUE PHYSICAL FEATURES, NATURAL RESOURCES, AND AGRICULTURAL OPERATIONS.**

#### *Policies*

- OS-1.1 Voluntary restrictions to the development potential of property located in designated visually sensitive areas shall be encouraged.
- OS-1.2 Development in designated visually sensitive areas shall be subordinate to the natural features of the area.
- OS-1.3 To preserve the County's scenic qualities, ridgeline development shall not be allowed. An exception to this policy may be made only after publicly noticed hearing and provided the following findings can be made:
- a. The ridgeline development will not create a substantially adverse visual impact when viewed from a common public viewing area; and either,
  - b. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives; or,
  - c. There is no feasible alternative to the ridgeline development.
- Pursuant to *Policy OS-1.6*, in areas subject to specific plans, the ridgeline policies and regulations of the applicable specific plan shall govern.
- OS-1.4 Criteria shall be developed to guide the design and construction of ridgeline development where such development has been proposed pursuant to *Policy OS-1.3*.
- OS-1.5 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.
- OS-1.6 In areas subject to specific plans, the ridgeline policies and regulations of the applicable specific plan shall govern. Each specific plan shall address viewshed issues, including ridgeline development, as part of the plan, including, but not limited to, provisions for setbacks, landscaping, height limits, or open space buffers.

- OS-1.7 A voluntary, transfer of development rights program to direct development away from areas with unique visual or natural features, critical habitat, or prime agricultural soils shall be established.
- OS-1.8 Programs to encourage clustering development in rural and agricultural areas to maximize access to infrastructure, protect prime agricultural land, and reduce impacts to designated visually sensitive and critical habitat areas shall be established.
- OS-1.9 Development that protects and enhances the County's scenic qualities shall be encouraged. All Routine and Ongoing Agricultural Activities are exempt from the viewshed policies of this plan, except as noted in *Policy OS-1.12*.
- OS-1.10 Recognizing the value of trails in Monterey County, policies to establish a trails program, including bike paths (Class 1), and walking and equestrian facilities used by the general public, shall be addressed in each Area Plan within the following parameters:
- a. Public lands shall be used as the primary source for establishing non-motorized trails. Cooperation between public agencies and the public in the creation of trails is encouraged.
  - b. Dedication of public trails or trail easements on private property shall be voluntary, except as may be required by State Law.
  - c. Crop protection and food safety of agricultural crops shall be a primary factor in disallowing trails.
  - d. Potential new trails on private land or public land are subject to appropriate design including location, screening, safety, reducing potential for trespass onto private property, protection of the public health and safety, and protection of agricultural products.
  - e. The location and design of trails on public or private land shall be done in consultation with affected public agencies, landowners, and other interested parties.
  - f. New commercial development and residential subdivisions shall mitigate significant adverse disruption of views from common viewing points on public trails through a variety of strategies including but not limited to the use of appropriate materials, scale, lighting and siting of development. This policy shall not apply to existing residential development or to any agricultural activity or operation.
- The design and development of the inland portion of the Monterey Bay Sanctuary/Scenic Trail is exempt from this policy.
- OS-1.11 Maintain GIS mapping for all lands containing visually sensitive resources and corridors. Mapped information shall be reanalyzed and updated at least every five (5) years, as necessary.

- OS-1.12 The significant disruption of views from designated scenic routes shall be mitigated through use of appropriate materials, scale, lighting and siting of development. Routine and Ongoing Agricultural Activities shall be exempt from this policy, except:
1. large-scale agricultural processing facilities, or
  2. facilities governed by the Agricultural and Winery Corridor Plan

## ***MINERAL RESOURCES***

### **GOAL OS-2**

#### **PROVIDE FOR THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF THE COUNTY'S MINERAL RESOURCES.**

##### ***Policies***

- OS-2.1 Potentially significant mineral deposits and existing mining operations identified through the State Division of Mines and Geology, including idle and reserve properties, shall be protected from on-site and off-site land uses that would be incompatible with mineral extraction activities.
- OS-2.2 Mineral extraction operations shall be in keeping with sound conservation practices consistent with the Surface Mining and Reclamation Act (SMARA) and other applicable standards and adequate financial security shall be required to insure reclamation of the extraction site to a condition consistent with the surrounding natural landscape and environmental setting.
- OS-2.3 Efforts to conserve raw mineral resources through recycling shall be supported.
- OS-2.4 Lands containing known valuable mineral deposits shall be mapped in the County GIS system. Mapped information shall be updated as needed.
- OS-2.5 The County shall inventory, assess, and characterize the location and condition of identified pre-SMARA abandoned gold, mercury and coal mines and implement such measures as may be necessary to ensure that such mines do not contribute to a significant risk to public health or safety or non-compliance with water quality standards and criteria.

## ***SOILS***

### **GOAL OS-3**

#### **PREVENT SOIL EROSION TO CONSERVE SOILS AND ENHANCE WATER QUALITY.**

## *Policies*

- OS-3.1 Best Management Practices (BMPs) to prevent and repair erosion damage shall be established and enforced.
- OS-3.2 Existing special district, state, and federal soil conservation and restoration programs shall be supported. Voluntary restoration projects initiated by landholders, or stakeholder groups including all affected landowners, shall be encouraged.
- OS-3.3 Criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, shall be established for new development and changes in land use designations.
- OS-3.4 Those areas where slopes pose severe constraints for development shall be mapped in the County's GIS. The information shall be updated at least every five (5) years.
- OS-3.5 The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:
- 1) Non-Agricultural.
    - a) Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:
      1. there is no feasible alternative which would allow development to occur on slopes of less than 25%;
      2. the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.
    - b) Development on slopes greater than 25-percent (25%) or that contain geologic hazards and constraints shown on the County's GIS Geologic (*Policy S-1.2*) or Hydrologic (*Policy PS-2.6*) Hazard Databases shall require adequate special erosion control and construction techniques and the discretionary permit shall:
      1. evaluate possible building site alternatives that better meet the goals and policies of the general plan;
      2. identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques; and

3. minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
- c) Where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required.
- d) It is the general policy of the County to require dedication of a scenic easement on a slope exceeding twenty five percent (25%).
- 2) Agricultural. Conversion of uncultivated land to cultivated land on slopes greater than 25% shall require a discretionary permit.
  - a) The discretionary permit shall:
    1. Evaluate possible alternatives that better meet the goals and policies of the general plan.
    2. Identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques.
    3. Minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
  - b) A ministerial permit process shall be developed and implemented for conversion of lands that have not been cultivated for the previous 30 years on slopes between 15 and 24 percent (15-24%), and on such lands on slopes between 10 and 15 percent (10-15%) on highly erodible soils. The permit processes shall be designed to require that an erosion control plan be developed and implemented that addresses slope stabilization, and drainage and flood hazards.

OS-3.6 Except in Community Areas where Community Plans or Specific Plans are adopted (*Policy LU-2.24*), areas designated as Medium Density Residential or High Density Residential, or in areas designated as commercial or industrial where residential use may be allowed, a formula based on slope shall be established to calculate the maximum possible residential density for individual parcels:

- a. Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned one (1) building site per each one (1) acre.
- b. Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned one (1) building site per each two (2) acres.
- c. Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.
- d. The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.

Clustering is encouraged as a technique to avoid development on slopes over 25 percent (25%). Where an entire parcel would not be developable because of plan policies, an extremely low density of development or single family home will be allowed, as appropriate.

- OS-3.7 Voluntary preparation and implementation of a coordinated resource management plan shall be encouraged in watersheds of State designated impaired waterways.
- OS-3.8 The County shall cooperate with appropriate regional, state and federal agencies to provide public education/outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort shall be centered through the Monterey County Water Resources Agency.
- OS-3.9 The County shall develop a Program to address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The Program shall be designed to avoid or minimize:
- a) off-site soil erosion,
  - b) increased runoff-related stream stability impacts, and/or
  - c) potential violation of adopted water quality standards.
- The County shall convene a committee comprised of county staff, technical experts (including staff of the Natural Resources Conservation Service), and stakeholders to develop the Program, including implementation recommendations. This program shall be adopted within five (5) years of adoption of the General Plan.

## ***MARINE AND RIVER RESOURCES***

### **GOAL OS-4**

#### **PROTECT AND CONSERVE THE QUALITY OF COASTAL, MARINE, AND RIVER ENVIRONMENTS, AS APPLIED IN AREAS NOT IN THE COASTAL ZONE.**

##### ***Policies***

- OS-4.1 Federal and State listed native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected.
- OS-4.2 Direct and indirect discharges of harmful substances into marine waters, rivers or streams shall not exceed state or federal standards.
- OS-4.3 Estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State



designated Areas of Special Biological Significance (ASBS) shall be protected, maintained, and preserved in accordance with state and federal water quality regulations.

- OS-4.4 Reasonable development of harbor facilities for fishing, research, and recreational boating that are compatible with conservation policies shall be allowed.

## ***BIOLOGICAL (NATURAL) RESOURCES***

### **GOAL OS-5**

#### **CONSERVE LISTED SPECIES, CRITICAL HABITAT, HABITAT AND SPECIES PROTECTED IN AREA PLANS; AVOID, MINIMIZE AND MITIGATE SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES.**

##### ***Policies***

- OS-5.1 The extent and acreages of critical habitat shall be inventoried to the extent feasible and mapped in GIS. Conservation of listed species shall be promoted.
- OS-5.2 The extent and acreages of the potentially suitable habitat for listed species shall be inventoried to the extent feasible and mapped in GIS. Conservation of species shall be promoted as provided in the Area Plans.
- OS-5.3 Development shall be carefully planned to provide for the conservation and maintenance of critical habitat.
- OS-5.4 Development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible. Measures may include but are not limited to:
- a. clustering lots for development to avoid critical habitat areas,
  - b. dedications of permanent conservation easements; or
  - c. other appropriate means.
- If development may affect listed species, consultation with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined as required by law.
- OS-5.5 Landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Routine and Ongoing Agricultural Activities shall be exempt from this policy.
- OS-5.6 Native and native compatible species, especially drought resistant species, shall be utilized in fulfilling landscaping requirements.

- OS-5.7 Proposals for harvesting commercially valuable timber or as a part of a Timberland Conversion Project (as defined by the California Department of Forestry) shall:
- a. include filing of a Timber Harvest Plan that provides for selective, sustained yield harvesting and reforestation, and erosion control;
  - b. consider opportunities for concurrent and subsequent use of publicly owned timberland for public recreation;
  - c. require approval by the California Department of Forestry;
  - e. complete environmental review by the County and other appropriate agencies; and
  - f. comply with the resource protection goals and policies of this General Plan
- OS-5.8 Small-scale milling operations may be allowed subject to compatibility with resource protection policies and the peace of adjacent residences.
- OS-5.9 Tree removal that requires a permit shall be established by Area Plans.
- OS-5.10 Regulations for tree removal, including Timberland Conversion, shall be established and maintained by ordinance, implementing Area Plan policies that address the following:
- a. Criteria when a permit is required including:
    1. number of trees,
    2. minimum size of tree,
    3. Post Timberland conversion land-use
  - b. How size is measured for each protected species of tree, and what constitutes a landmark tree depending on the rate of growth for that species.
  - c. Hazardous trees
  - d. Pest and disease abatement
  - e. Replacement criteria
  - f. Ensure minimal removal
- OS-5.11 Conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife.
- OS-5.12 The California Department of Fish and Game shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Significance (ASBS).
- OS-5.13 Efforts to obtain and preserve natural areas of particular biologic, scientific, or educational interest, and restrict incompatible uses from encroaching upon them, shall be encouraged.

- OS-5.14 Policies and procedures that encourage exclusion and control or eradication of invasive exotic plants and pests shall be established. Sale of such items within Monterey County shall be discouraged.
- OS-5.15 A fee waiver program for environmental restoration projects shall be established.
- OS-5.16 A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.
- An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include a field reconnaissance performed at the appropriate time of year. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate the habitats or species that are potentially impacted. Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.
- OS-5.17 The County shall prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat. The program may include ratios, payment of fees, or some other mechanisms in consultation with responsible state and/or federal regulatory agencies. Until such time as the program has been established, projects shall mitigate the loss of critical habitat on an individual basis in consultation with responsible state and/or federal regulatory agencies. A Community Plan or Rural Center Plan that includes a mitigation program shall not be subject to this policy.
- OS-5.18 Prior to disturbing any federal or state jurisdictional areas, all applicable federal and state permitting requirements shall be met, including all mitigation measures for development of jurisdictional areas and associated riparian habitats.
- OS-5.19 The County shall, in concert with the U.S. Fish and Wildlife Service, California Department of Fish and Game, cities in the Salinas Valley, and stakeholders develop a conservation strategy for the Salinas Valley to provide for the preservation of adequate habitat to sustain the San Joaquin kit fox population. The general focus area of the plan shall be the Salinas Valley south of the community of Chualar. The conservation strategy, at a minimum, shall be adopted by Monterey County and shall be applied to all discretionary approvals (and their associated CEQA documents) with potential to affect the San Joaquin kit fox within the conservation strategy area. The County shall complete the conservation strategy within four (4) years of General Plan adoption. The conservation strategy funding program shall be developed and shall consider a

mitigation fee program for which development projects will be assessed a fee based on a proportional basis of impact to the San Joaquin kit fox as one of the options. The conservation strategy shall be developed and implemented in coordination with the appropriate state or federal agency and may provide mechanisms to mitigate impacts of an individual project through one or more of the following means: identifying an agency-approved mitigation bank or other compensation site (on- or off-site); and/or preserving habitat; monitoring the compensation site; and funding the management of the compensation site. Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.

OS-5.20 At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction, and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development, or 10,253 acres of land converted to agriculture), the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of species and habitat addressed by *Policy OS-5.16* due to continued urban growth. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to the species and habitat addressed by *Policy OS-5.16*.

OS-5.21 At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction, and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of land converted to agriculture), the County shall assess the vulnerability of currently non-listed species to become rare, threatened, or endangered due to projected development. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for those plant and wildlife species for which a biological report would be required pursuant to *Policy OS-5.16* due to development. The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans, and other stakeholders. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.

OS-5.22 In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a Stream Setback Ordinance. The ordinance shall establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River, Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The ordinance shall delineate appropriate uses within the setback area that shall not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream while also taking into consideration uses that serve health and safety purposes. The Stream Setback Ordinance shall apply to all discretionary development, County public projects, and to conversion of lands uncultivated for the previous 30 years, on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.

OS-5.23 The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands, while also taking into consideration wildfire prevention/protection. Consistent with California Public Resources Code Section 21083.4, the program shall identify a combination of the following mitigation alternatives:

- a) ratios for replacement,
- b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and
- c) conservation easements.

The program shall identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program shall allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented consistent with Public Resources Code Section 21083.4(b), projects shall pay a fee to the state Oak Woodlands Conservation Fund (OWCF). Replacement of oak woodlands shall provide for equivalent acreage and ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan.

OS-5.24 The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. The County shall require that expansion of its roadways and public infrastructure projects provide movement

opportunities for terrestrial wildlife and ensure that existing stream channels and riparian corridors continue to provide for wildlife movement and access.

OS-5.25 Occupied nests of statutorily protected migratory birds and raptors shall not be disturbed during the breeding season (generally February 1 to September 15). The county shall

- A. Consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to:
  - (1) determine whether work is proposed during nesting season for migratory birds or raptors,
  - (2) determine whether site vegetation is suitable to nesting migratory birds or raptors,
  - (3) identify any regulatory requirements for setbacks or other avoidance measures for migratory birds and raptors which could nest on the site, and
  - (4) establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of disruption of nesting birds.
- B. Require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways:
  - (1) preconstruction surveys may be conducted to identify active nests and, if found, adequate buffers shall be provided to avoid active nest disruption until after the young have fledged; or
  - (2) vegetation removal may be conducted during the non-breeding season (generally September 16 to January 31); however, removal of vegetation along waterways shall require approval of all appropriate local, state, and federal agencies.

This policy shall not apply in the case of an emergency fire event requiring tree removal. This policy shall apply for tree removal that addresses fire safety planning, since removal can be scheduled to reduce impacts to migratory birds and raptors.

## ***ARCHAEOLOGICAL RESOURCES***

### **GOAL OS-6**

#### **ENCOURAGE THE CONSERVATION AND IDENTIFICATION OF THE COUNTY'S ARCHAEOLOGICAL RESOURCES.**

##### ***Policies***

OS-6.1 Important representative and unique archaeological sites and features shall be identified and protected for all parcels with undisturbed natural conditions (i.e., ungraded properties), consistent with State Office of Historic Preservation guidelines and definitions employed on a statewide basis, including Phase I, II, and III studies.

- OS-6.2 Information on the location and significance of the County's archaeological resources shall be compiled and used in the environmental and development review process. The County shall rely on and participate in the statewide inventory work of the California Native American Heritage Commission and the State Office of Historic Preservation. All Phase I, II, and III studies, and records of Native Californian consultation, shall be filed with appropriate state agencies and local tribes as well as local data source compilations maintained by the County. The County shall work with local tribes to update County GIS maps showing high, moderate, and low archaeological sensitivity areas.
- OS-6.3 New development proposed within moderate or high sensitivity zones, or within 150 feet of a known recorded archaeological and/or cultural site, shall complete a Phase I survey including use of the regional State Office of Historic Preservation or the California Native American Heritage Commission's list of sacred and traditional sites. Routine and Ongoing Agricultural Activities shall be exempted from this policy in so far as allowed by state or federal law.
- OS-6.4 Development proposed in low sensitivity zones are not required to have an archaeological survey unless there is specific additional information that suggests archaeological resources are present.
- OS-6.5 Policies and procedures shall be established that encourage development to avoid impacts to sensitive archaeological sites including:
- a. designing or clustering development to avoid archaeological site deposits, historic sites and resources, and Native Californian cultural sites;
  - b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.
- OS-6.6 Efforts by historical, educational or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for archaeological or cultural resource preservation shall be encouraged. The County shall adopt a uniform set of guidelines to define Phase I, II, and III significance assessment and data recovery programs. Similar guidelines shall be created to set standards for requirements for consultation with Native Californian descendants to establish procedures for determining the presence or absence of sacred or traditional sites. These guidelines shall address monitoring requirements and participation in cultural resource data recovery programs.

## ***PALEONTOLOGICAL RESOURCES***

### **GOAL OS-7**

#### **ENCOURAGE THE CONSERVATION AND IDENTIFICATION OF THE COUNTY'S PALEONTOLOGICAL RESOURCES.**

*Policies*

- OS-7.1 Important representative and unique paleontological sites and features shall be identified and protected. Developers shall be required to complete Phase I (reconnaissance level) paleontological reviews in any formation known to yield important elements of the fossil record. If significant fossil deposits are found during grading activities, data recovery shall be required to obtain a sample of materials from such deposits prior to their systematic destruction.
- OS-7.2 Information on the location and significance of the County's paleontological resources shall be compiled and used in the environmental and development review process. This compilation process shall involve consulting with knowledgeable academic professionals.
- OS-7.3 Development proposed within high and moderate sensitivity zones and known fossil bearing formations shall require a paleontological field inspection prior to approval. Routine and Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal law.
- OS-7.4 Development proposed in low sensitivity zones are not required to have a paleontological survey unless there is specific additional information that suggests paleontological resources are present.
- OS-7.5 Policies and procedures shall be established that encourage development to avoid impacts to sensitive paleontological sites including:
- a. designing or clustering development to avoid paleontological deposits;
  - b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.

***NATIVE CALIFORNIAN CULTURAL SITES, SACRED PLACES,  
AND BURIAL SITES***

**GOAL OS-8**

**ENCOURAGE THE CONSERVATION AND IDENTIFICATION OF THE COUNTY'S  
NATIVE CALIFORNIAN CULTURAL SITES, SACRED PLACES, AND BURIAL  
SITES.**

*Policies*

- OS-8.1 Unique burial sites shall be identified and protected. All Native Californian cemeteries, burials, shrine sites, and sacred place locations shall be preserved in



place to the greatest extent possible and as permitted by law. In cases where such sites and locations cannot be retained in place without modification, governing requirements in the Government Code, Health and Safety Code, California Environmental Quality Act and Native American Religious Freedom Act shall be taken into account in consulting with local Native Californian Tribal Groups with documented aboriginal ties to the study area and shall be carried out, as necessary, with the assistance and input of the California Native American Heritage Commission. Documentation of descent shall be based on Genealogical Proof Standards.

- OS-8.2 Information on the location and significance of the County's burial sites shall be compiled and used in the environmental and development review process. All such data sources shall be recorded with the State Office of Historic Preservation coincident with development review.
- OS-8.3 Development proposed at sites where known burials or human cemeteries are located shall in no case modify, disturb, excavate, or develop within such locations until all steps in compliance with CEQA, Native American Heritage Commission, Health and Safety Code and Government Code, and in accordance with any completed MOU with a local tribe, have been completed. Routine and Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal law. In the case of any conflict of interpretation, state requirements for the protection of burial sites are applicable and shall be implemented in good faith.
- OS-8.4 Policies and procedures shall be established that encourage development to avoid impacts to burial sites including:
- a. designing or clustering development to avoid archaeological deposits that typically contain human remains and to avoid any known cemeteries or other concentrations of human remains;
  - b. requiring dedication of permanent conservation easements if subdivisions and other developments can be planned to provide for such protective easements;
  - c. In all cases where human remains are identified through CEQA review, archaeological research, ethnohistoric research, inadvertent grading disturbance, or historic record research, the County shall consult with the designated "most likely descendants" as identified by any Memorandum of Understanding (MOU) adopted pursuant to *Policy OS-8.7*. In the event no MOU is executed, the Native American Heritage Commission shall be consulted to help determine the appropriate Tribal Group in that portion of the County where the burial remains are identified.
- OS-8.5 Efforts by historical, educational or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for burial site preservation shall be encouraged. The County shall establish a Native Californian Advisory Panel that could provide technical assistance to staff in

determining how best to address monitoring and site treatment consistent with the policies in this General Plan. Decisions about human remains and heritage resources shall be made in consultation with Tribal representatives consistent with procedures established in *Policy OS-8.1*.

- OS-8.6 Tribal representatives will be consulted, consistent with state preservation law, about the location of sacred places, ancestral sites, archaeological remains of village sites, burial and cemetery sites, and other significant cultural resources during the preparation of any General Plan amendment, Master Plan, Community Plan, or Specific Plan.
- OS-8.7 While all interested Native Americans shall be encouraged to participate in the CEQA data review and evaluation stages of cultural resource policy implementation, the Ohlone/Coastanoan/Esselen Nation (OCEN) is a designated *Most Likely Descendent* group identified by the Native American Heritage Commission of the State of California. An Implementation Plan for this General Plan shall include, but not be limited to:
- a. Designating OCEN as the clearinghouse group for the coordination of data recovery monitoring and the disposition of human remains in Monterey County.
  - b. Creating a Memorandum of Understanding adopted to implement California's Local Government Tribal Inter-Governmental Consultation Act (SB18) consistent with this General Plan.
  - c. Establishing a technical advisory committee pursuant to *Policy OS-8.5* and consisting of appropriate tribal representatives and qualified archaeologists.

## ***ENERGY RESOURCES***

### **GOAL OS-9**

#### **PROMOTE EFFICIENT ENERGY USE.**

##### ***Policies***

- OS-9.1 The use of solar, wind and other renewable resources for agricultural, residential, commercial, industrial, and public building applications shall be encouraged.
- OS-9.2 Development shall be directed toward cities, Community Areas, and Rural Centers where energy expended for transportation and provision of services can be minimized.
- OS-9.3 Areas of urban concentration shall provide convenient access for employment, commercial, and other activities.

- OS-9.4 Lots shall be oriented to maximize the energy gains from solar and/or wind resources in order to minimize energy losses where possible.
- OS-9.5 Clustered development is favored where such development will conserve energy.
- OS-9.6 Development shall incorporate features that reduce energy used for transportation, including pedestrian and bicycle pathways, access to transit, and roadway design as appropriate.
- OS-9.7 Weatherization of existing buildings is encouraged.
- OS-9.8 Solar heating shall be required as the primary source for heat in all new swimming pools where it is proven most cost-effective.

## ***AIR QUALITY***

### **GOAL OS-10**

#### **PROVIDE FOR THE PROTECTION AND ENHANCEMENT OF MONTEREY COUNTY'S AIR QUALITY WITHOUT CONSTRAINING ROUTINE AND ONGOING AGRICULTURAL ACTIVITIES.**

##### ***Policies***

- OS-10.1 Land use policy and development decisions shall be consistent with the natural limitations of the County's air basins.
- OS-10.2 Mass transit, bicycles, pedestrian modes of transportation, and other transportation alternatives to automobiles shall be encouraged.
- OS-10.3 Monterey County shall promote conservation of naturally vegetated and forested areas for their air purifying functions.
- OS-10.4 Monterey County shall encourage concentrating industrial and commercial development in areas that are more easily served by public transit.
- OS-10.5 Mixed land uses that reduce the need for vehicular travel shall be encouraged.
- OS-10.6 The Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported.
- OS-10.7 Use of the best available technology for reducing air pollution emissions shall be encouraged.

- OS-10.8 Air quality shall be protected from naturally occurring asbestos by requiring mitigation measures to control dust and emissions during construction, grading, quarrying, or surface mining operations. This policy shall not apply to Routine and Ongoing Agricultural Activities except as required by state and federal law.
- OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM<sub>10</sub> control measures to ensure that construction-related PM<sub>10</sub> emissions do not exceed the MBUAPCD's daily threshold for PM<sub>10</sub>. The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related NO<sub>x</sub> emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO<sub>x</sub>.
- OS-10.10 In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:
- Take an integrated approach to siting, design, and operation of buildings and infrastructure
  - Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff)
  - Design development to take advantage of solar orientation
  - Recycle brownfield sites
  - Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances)
  - Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency
  - Provide preferential carpool/vanpool parking spaces
  - Implement a parking surcharge for single occupant vehicles
  - Provide for shuttle/mini bus service
  - Provide bicycle storage/parking facilities and shower/locker facilities
  - Provide onsite child care centers
  - Provide transit design features within the development
  - Develop park-and-ride lots
  - Employ a transportation/rideshare coordinator
  - Implement a rideshare program
  - Provide incentives to employees to rideshare or take public transportation
  - Implement compressed work schedules
  - Implement telecommuting program

- Provide bicycle paths within major subdivisions that link to an external network
- Provide pedestrian facilities within major subdivisions
- Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.

- OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County shall develop and adopt a Greenhouse Gas (GHG) Reduction Plan with a target to reduce emissions by 2020 to a level that is 15% less than 2005 emission levels. At a minimum, the Plan shall:
- a. Establish an inventory of 2005 GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions; and
  - b. Forecast GHG emissions for 2020 for County operations;
  - c. Forecast GHG emissions for areas within the jurisdictional control of the County for “business as usual” conditions;
  - d. Identify methods to reduce GHG emissions;
  - e. Quantify the reductions in GHG emissions from the identified methods;
  - f. Establish requirements for monitoring and reporting of GHG emissions;
  - g. Establish a schedule of actions for implementation;
  - h. Identify funding sources for implementation; and
  - i. Identify a reduction goal for the 2030 Planning Horizon.
  - j. Quantify carbon sequestration in agricultural soils and crops.
- During preparation of the Greenhouse Gas Reduction Plan, the County shall also evaluate potential options for changes in County policies regarding land use and circulation, as necessary, to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.

- OS-10.12 Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies, or their functional equivalent:
- All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system
  - All new commercial buildings shall meet requirements of the LEED rating system for commercial buildings or an equivalent rating system.

- All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system.
- The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
- Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments.
- New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.

OS-10.13 The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:

- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
- consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, or biological resources;
- evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
- adopt measures to protect renewable energy resources, such as utility easement, right-of-way, and land set-asides, as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
- If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.
- The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.

OS-10.14 The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM<sub>10</sub> emissions to

less than 50% of the statewide PM<sub>10</sub> emissions average for comparable equipment.

OS-10.15 Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:

- an energy tracking and management system;
- energy-efficient lighting;
- lights-out-at-night policy;
- occupancy sensors;
- heating, cooling and ventilation system retrofits;
- ENERGY STAR appliances
- green or reflective roofing;
- improved water pumping energy efficiency;
- central irrigation control system;
- energy-efficient vending machines;
- preference for recycled materials in purchasing;
- use of low or zero-emission vehicles and equipment
- recycling of construction materials in new county construction;
- solar roofs; and
- conversion of fleets (as feasible) to;
  - Electric vehicles,
  - Ultra Low-Emission vehicles,
  - Methanol fleet vehicles,
  - Liquid propane gas fleet vehicles, or
  - Compressed natural gas fleet vehicles

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Reserved for Figure 7