

# MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT  
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## MEMORANDUM

**DATE:** December 5, 2005  
**TO:** Board of Supervisors  
**FROM:** Charles McKee, County Counsel  
Scott Hennessy, Director of Planning and Building Inspection  
Ron Lundquist, Interim Director of Public Works  
Curtis Weeks, General Manager Monterey County Water Resource Agency  
Allan Stroh, Director of Environmental Health  
John Pinio, Director of Parks  
Eric Lauritzen, Agricultural Commissioner  
**SUBJECT: GENERAL PLAN STUDY SESSION – DECEMBER 12 and 13, 2005**

This is part of the continuing series of study sessions by the Board the preliminary drafts of the General Plan Update. Items to be considered on December 12 and 13 include final discussion of a number of issues the Board asked staff to report back on and initial review of portions of the Conservation and Open Space Element and Safety Element. Specifically, the items are:

- a) Draft Policy PS-2.5 (Proliferation of Wells)
- b) Draft Policy PS-2.7 (Water Quality Testing for Private Wells)
- c) Draft Policy PS-6.4 (Landfill Buffers)
- d) Draft Policies PS-13.2 and PS-13.3 (Underground Utilities)
- e) Draft Policy PS-3.8 (Incentives for Voluntarily Removing Highly Erosive Soils from Production)
- f) Draft Policy OS-1.10 (Trails)
- g) Draft Policy LU-2.14 (Affordable Housing Overlay)
- h) Conservation and Open Space Element (Archaeology, Energy Resources and Air Quality)
- i) Safety Element (Emergency Preparedness, Noise)
- j) Habitat Policies in Area Plans

On items a-e, proposed new language is shown in underlining and italics.

The Board has previously endorsed language on trails. However, the Agricultural Advisory Committee has proposed further changes. Their recommendation is shown in item f.

Discussion on the Affordable Housing Overlay is in Exhibit B. Exhibit C includes the portions of the Conservation and Open Space Element yet to be reviewed. Exhibit D includes the portions of the Safety Element yet to be reviewed. Exhibits E-G provides information on the Alquist Priolo Act and building requirements for providing soils and geotechnical information.

Exhibit H is a compilation of the current Area Plan policies regarding specie and habitat protection. The Board needs to provide direction on continuing with these policies or limiting protection to only state and federally listed species. This determination will be essential in completing the updates of the area plans and preparation of the EIR.

As with the previous preliminary draft elements, the elements before the Board are based on the 1982 General Plan. The preliminary drafts are a product of the collective work of the land use departments. The drafts follow the format and style of the 1982 General Plan. The style and content does follow the longstanding County definition of a policy: “a specific statement guiding action and implying a clear commitment.” The drafts are in the legislative style making the changes readily identifiable. Where policies are modifications of existing policy, the root of the policy is also identified.

As with previous work, it must be emphasized that these are preliminary drafts and should be viewed as “work in progress.” The focus for this and subsequent work shops will be for the Board to review the preliminary drafts with the intention of determining if they are consistent with the Board’s preliminary direction and to provide, if needed, mid-course direction. As this process continues, changes to the draft elements will undoubtedly be needed to meld consistency with Board direction, internal consistency, legal adequacy and mitigation of impacts that may be identified through the EIR process.

Attachments: Exhibit A (Policy Recommendations, items a-g)  
Exhibit B (Policy Recommendation, Affordable Housing Overlay)  
Exhibit C (Remaining Conservation and Open Space Element Goals and Policies: Archaeology, Energy Resources, Air Quality)  
Exhibit D (Remaining Safety Element Goals and Policies: Emergency Preparedness, Noise)  
Exhibit E (Synopsis of the Alquist Priolo Act)  
Exhibit F (Alquist Priolo Act)  
Exhibit G (Requirements for Geotechnical or Soils reports)  
Exhibit H (Specie and Habitat Policies by Area Plan)

**Exhibit A**  
**Policy Recommendations**  
**a-f**

a.

PS-2.5 Proliferation of wells, serving residential, commercial, and industrial uses; into common ~~water tables~~ aquifers shall be discouraged.

(Root: 1982 GP Policy 53.1.5)

**RECOMMENDATION:** Delete entire policy. Obsolete.

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b.

PS-2.7 Regulations shall be established to identify:

a. Water quality testing parameters for a one time required water quality test for individual wells at the time of well construction; and

b. A process that allows the required one time water quality test results to be available to future owners of the well.

**RECOMMENDATION:**

PS-2.7 Regulations for water quality testing for individual wells on lots of record shall be established to identify:

a. Water quality testing parameters for a one time required water quality test for individual wells at the time of well construction; and

b. A process that allows the required one time water quality test results to be available to future owners of the well; and

c. Regulations pursuant to this policy shall not establish criteria that will prevent the use of the well in the development of the property.

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c.

PS-6.4 Existing or planned solid waste facilities shall be protected from encroachment of development and incompatible land uses. No new subdivision or the intensification of the use of existing lots of record beyond the first single family home shall be permitted in the buffer zone.

**RECOMMENDATION:**

PS-6.4A New solid waste facilities shall include a sufficient buffer zone within the project area to protect it from encroachment of development and incompatible land uses.

No new subdivision or the intensification of the use of existing lots of record beyond the first single family home shall be permitted in the buffer zone.

PS-6.4B *To protect public health and safety, the County shall adopt an ordinance to establish buffer zones within the vicinity of active or closed landfills. Within the buffer zones, development shall be limited, as appropriate, to protect the public from potential health hazards from landfills. These buffer zones shall serve to provide and protect landfill capacity in the County without endangering the public health.*

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d.

PS-13.2 ~~The County shall, in accordance with the Monterey County Subdivision Ordinance, require that A~~all new utility lines shall be placed underground.  
(Root: 1982 GP Policy 56.2.1)

**RECOMMENDATION:**

PS-13.2 *All new utility lines shall be placed underground in accordance with the Monterey County Subdivision Ordinance.*

Discussion: The Subdivision Ordinance provides:

“19.10.095 Underground utilities.

All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision or minor subdivision shall be placed underground, except as follows:

A. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery landscaping or other screening and approved by the Director of Planning and Building Inspection.

B. The appropriate decision making body may waive the requirements of this Subsection for topographical, soil or other physical conditions make underground installations of said facilities unreasonable or impractical. The decision making body may require underground services to be installed in subdivisions where underground utilities are not otherwise required, or where the overhead distribution lines presently exist to serve the lots and underground services are not otherwise required. The appropriate decision making body may require separate approval of the location and extent to any proposed overhead system to achieve minimum visual effect.”

The Subdivision Ordinance provides that utilities in new subdivisions are to be placed underground. The ordinance does recognize there may need to be

exceptions and does provide a mechanism to consider exceptions.

PS-13.3      ~~The County shall seek to place~~ Existing utility lines ~~underground~~ should be placed underground whenever feasible.  
(Root: 1982 GP Policy 56.2.2)

**RECOMMENDATION:**

PS-13.3      ~~The County shall seek to place~~ Existing utility lines ~~underground~~ should be placed underground whenever feasible.

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**e.**

PS-3.8      As part of an overall conservation strategy and to improve water quality, the County shall create an incentive program that encourages taking agricultural production on slopes with erosive soils out of production.

**RECOMMENDATION:**

PS-3.8      As part of an overall conservation strategy and to improve water quality, the County shall create an incentive program that encourages *voluntarily* taking agricultural production on slopes with erosive soils out of production *where no other feasible alternative exists.*

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**f.**

After extensive discussion, the Board endorsed the following:

OS-1.10      Recognizing the value of trails within Monterey County;  
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. There shall be no requirement to dedicate public trails or trail easements except through a voluntary program. The safety of agricultural products and operations shall be considered.

- b. 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.

Subsequent to the Board’s endorsement, the Agricultural Advisory Committee discussed that language and recommends (a) be amended to read

“Recognizing the value of trails within Monterey County:

- 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. **No new trails shall be created adjacent to agricultural lands or operations.** There shall be no requirement to dedicate public trails or trail easements except through a voluntary program. **Such a program would require the approval of all adjacent landowners.** Safety of agricultural products and operations shall be ~~considered~~ **required.** “

**RECOMMENDATION:**

Retain the language as previously endorsed by the Board. The changes recommended by the Agricultural Advisory Committee would effectively preclude any potential voluntary dedication of a trail in an agricultural area. Further even a voluntary dedication, whether in an agricultural area or not, would require approval of all adjacent land owners thereby giving them superior rights to the landowner’s rights.

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Exhibit B  
Policy Recommendation  
Affordable Housing Overlay

# MONTEREY COUNTY

*RESOURCE MANAGEMENT AGENCY*

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*HOUSING AND REDEVELOPMENT OFFICE, Jim Cook, Director*

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December 5, 2005

TO: Dale Ellis,  
Planning and Building Inspection

FROM: Jim Cook,  
Housing and Redevelopment Office

SUBJECT: GENERAL PLAN UPDATE – AFFORDABLE HOUSING OVERLAY POLICY

On October 31, 2005 the Board of Supervisors received draft policy language to be included in the Land Use Element pertaining to the proposed 100% Affordable Housing Overlay Program. The draft policy language as presented is as follows:

LU 2.14 An Affordable Housing Overlay program shall be adopted pursuant to Policy H-3.8 of the Monterey County Housing Element. Qualifying criteria including local environmental impact (CEQA) thresholds for project evaluation shall be developed.

Staff is currently in the process of working with the Housing Advisory Committee (HAC) to finalize a draft implementation program that will integrate the 100% Affordable Housing Overlay into a comprehensive Affordable Housing Incentive Program. The HAC has formed a Subcommittee to provide a focused effort in finalizing the Program Statement as soon as possible. The Subcommittee met on December 2, 2005 and will be forwarding a draft Program Statement onto the full HAC on December 14, 2005. The draft Program Statement will then be forwarded onto the Planning Commission and to the Board of Supervisors in early 2006 for action.

Housing and Redevelopment staff will be in attendance at the Board of Supervisors Workshop scheduled for December 12, 2005 to answer any questions about the current process being undertaken to draft the Program to implement the 100% Overlay policy.

**EXHIBIT C**  
**REMAINING GOALS AND POLICIES**  
**CONSERVATION OPEN SPACE**  
**ELEMENT**

**ARCHAEOLOGICAL RESOURCES**

## GOAL OS-6

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

*(Root: 1982 GP goal 12)*

#### *Objective Policies*

OS-6.1      ~~Identify and conserve~~ Identify and conserve important representative and unique archaeological sites and features shall be identified and protected.

*(Root: 1982 GP objective 12.1)*

#### *Policies*

OS-6.2      ~~The County shall take such action as necessary to compile~~ Information on the location and significance of it's the County's archaeological resources shall be compiled and used in so this information may be incorporated into the environmental or and development review process.

*(Root: 1982 GP policy 12.1.1)*

~~12.1.2~~      ~~The Archaeological Sensitivity Zones map shall be used, along with whatever other data is appropriate, to evaluate whether archaeological resources are threatened by proposed development projects. The map shall be updated continuously as new data becomes available and shall have an appropriate review in five years (January 1, 1987).~~

OS-6.3      ~~All proposed d~~ Development, including land divisions, proposed within high and moderate sensitivity zones shall require an archaeological field inspection prior to project approval.

*(Root: 1982 GP policy 12.1.3)*

~~12.1.4~~      ~~All major projects (i.e., 2.5 acres or more) that are proposed for moderate sensitivity zones, including land divisions, shall require an archaeological field inspection prior to project approval.~~

OS-6.4      ~~Projects proposed for Development proposed in low sensitivity zones shall are not be required to have an archaeological survey taken unless there is specific additional information has been obtained to that suggests that archaeological resources are present.~~

*(Root: 1982 GP policy 12.1.5)*

~~12.1.6~~      ~~Where development could adversely affect archaeological resources, reasonable mitigation procedures shall be required prior to project approval.~~

~~12.1.7~~ All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, consideration of reasonable project alternatives, etc., shall be explored to avoid development on sensitive archaeological sites.

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 critical areas;  
b. dedicating permanent conservation easements.

***Objective***

OS-6.6 Encourage various historical and educational societies or other appropriate organizations in their efforts by historical, educational or other organizations to improve the public's recognition of it's the County's cultural heritage and the citizen's responsibilities for archaeological or cultural resource preservation shall be encouraged.

(Root: 1982 GP objective 12.2)

**ENERGY RESOURCES**

**GOAL OS-7**

***~~TO PROMOTE EFFICIENT ENERGY USE.~~***

(Root: 1982 GP goal 13)

***Objective Policies***

~~13.1~~ Achieve energy savings through implementation of the Monterey County Energy Conservation Implementation Plan (September 30, 1980).

***Objective***

~~13.2~~ Incorporate energy efficiency into land use planning.

***Policies***

OS-7.1 Encourage, where appropriate, the use of solar and other renewable resources for residential, commercial, industrial, and public building applications shall be encouraged.

(Root: 1982 GP objective 14.2)

OS-7.2 Intensive development shall be encouraged directed toward existing urban cities, community areas, and rural centers where energy expended for transportation and provision of services can be minimized.

(Root: 1982 GP policy 13.2.1)

OS-7.3 Areas of urban concentration shall provide, ~~where possible,~~ convenient access for employment, commercial, and other activities.

(Root: 1982 GP policy 13.2.2)

***Objective***

~~13.3 Incorporate energy efficiency into the design and location of development projects.~~

***Policies***

OS-7.4 Lots shall be oriented ~~so structures may~~ to maximize the energy gains from solar sources and minimize energy losses where possible.

(Root: 1982 GP policy 13.3.1)

OS-7.5 Clustered development, ~~at the same density, shall be~~ is favored ~~over more scattered development on a given parcel of land, if~~ where such development will ~~can be shown to~~ conserve energy.

(Root: 1982 GP policy 13.3.2)

OS-7.6 ~~Plans for major projects~~ Development shall incorporate features that address opportunities for reducing energy used for transportation, including pedestrian and bicycle pathways, access to transit, and roadway design as appropriate.

(Root: 1982 GP policy 13.3.3)

***Objective***

~~13.4 Incorporate energy efficiency into new buildings and encourage existing buildings to be retrofitted where feasible.~~

***Policies***

OS-7.7 ~~Cost effective w~~Weatherization of existing buildings is ~~shall be~~ encouraged, by the County.

(Root: 1982 GP policy 13.4.1)

~~13.4.2 All new residential dwellings shall be required to meet or exceed the building efficiency standards established by the State of California.~~

~~13.4.3 Building designs which reduce demands for artificial heating, cooling, ventilation, and lighting shall be encouraged.~~

***14 GOAL***

***TO ENCOURAGE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.***

(Root: 1982 GP goal 14)

***Objective Policies***

~~14.1 — Review County policies and regulations to determine which ones may create administrative obstacles to the use of renewable energy resources and make appropriate revision.~~

~~————— ***Policies***~~

~~14.1.1 — Access to direct sunlight shall be protected for solar collectors or probable collector locations, as authorized in the California Solar Rights and Shade Control Acts of 1978.~~

~~14.1.2 — In anticipation of the increased use of solar and wind energy and associated technological innovations, the County shall establish procedures and guidelines to regulate their appropriate use.~~

***Objective***

***Policy***

OS-7.8 Solar heating shall be required as the primary source for heat in all new swimming pools where it is proven most cost-effective.

(Root: 1982 GP policy 14.2.1)

***Objective***

~~14.3 — Investigate the potential for solar, wind, and other non-conventional energy resource development throughout the County.~~

**GOALS, OBJECTIVES, AND POLICIES  
FOR AIR AND WATER QUALITY AIR QUALITY**

**GOAL OS-8**

**~~TO PROVIDE FOR THE PROTECTION AND ENHANCEMENT OF MONTEREY COUNTY'S AIR QUALITY.~~**

(Root: 1982 GP goal 20)

***Objective***

~~20.1 — Preserve and enhance the air quality of Monterey County by adopting an environmentally sound land use plan by 1984.~~

***Policies***

OS-8.1      ~~The County's Land use policy and development decisions policies shall be integrated and consistent with the natural limitations of the County's air basins.~~  
(Root: 1982 GP policy 20.1.1)

OS-8.2      ~~The County should encourage the use of Mmass transit, bicycles and pedestrian modes of transportation as an and other transportation alternatives to automobiles shall be encouraged. in its land use plans.~~  
(Root: 1982 GP policy 20.1.2)

OS-8.3      ~~The County should develop and implement, where appropriate, a roadside tree program and should encourage and maintain Vvegetated and #forested areas should be conserved to the maximum extent feasible, for their air purifying functions.~~  
(Root: 1982 GP policy 20.1.3)

OS-8.4      ~~The County should concentrate Industrial and commercial development should be concentrated in areas designated centers that are may be more easily served by public transit.~~  
(Root: 1982 GP policy 20.1.4)

OS-8.5      ~~The County shall adopt a land use plan which promotes Mmixed land uses that to reduce the need for vehicular travel shall be encouraged.~~  
(Root: 1982 GP policy 20.1.51)

***Objective***

~~20.2~~      ~~Improve the air quality of Monterey County by regulating all sources of air pollutants and by adopting programs to improve the County's air quality by 1984.~~

***Policies***

~~20.2.1~~      ~~The County shall condition approval of all new industrial and commercial development, including major modifications as defined by the Uniform Building Code, on meeting, as a minimum, federal and state ambient air quality standards and the rules and regulations of the Monterey Bay Unified Air Pollution Control District.~~

~~20.2.2~~      ~~The County shall adopt and support, as a minimum, the Air Quality Plan for the Monterey Bay Region as prepared by the Association of Monterey Bay Area Governments.~~

OS-8.6      ~~The County shall continue to support air quality monitoring and air pollution control strategies and enforcement by Tthe Monterey Bay Unified Air~~

Pollution Control District's air pollution control strategies, air quality monitoring and enforcement activities shall be supported.

*(Root: 1982 GP policy 20.2.3)*

~~20.2.4 The County should operate in accordance with current regional, state, and federal air quality standards.~~

~~OS-8.7 The County shall encourage the Use of the best available control technology as defined in the most current Monterey Bay Unified Air Pollution Control District rules and regulations in for reducing air pollution emissions shall be encouraged.~~

*(Root: 1982 GP policy 20.2.5)*

OS-8.8 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 on-going agricultural activities.

~~20.2.6 The County shall require that any particulate fallout problem created by the establishment or expansion of industrial facilities be mitigated to the satisfaction of the Monterey County Board of Supervisors or its designee, and the Monterey Bay Unified Air Pollution Control District, as a condition of a use permit for any further upgrading, expansion, or modification that may degrade the quality of emissions from these facilities.~~

~~20.2.7 Where needed, additional Atmospheric surveillance stations shall be established by the Monterey Bay Unified Air Pollution Control District or the County of Monterey to monitor air pollution concentrations in addition to pertinent meteorological parameters.~~

## **EXHIBIT D**

# **REMAINING GOALS AND POLICIES**

# **SAFETY ELEMENT**

## **EMERGENCY PREPAREDNESS**

### ***19 GOAL S-5***

***TO MAXIMIZE POST-DISASTER RELIEF CAPABILITIES AND RECOVERY OPERATIONS. ASSURE THE COUNTY IS PREPARED TO ANTICIPATE, RESPOND AND RECOVER FROM EMERGENCIES***

~~—————~~ *Objective*

~~19.1 —————~~ Ensure a fast, efficient, and coordinated response by public and private agencies to major emergencies.

~~—————~~ *Policies*

~~19.1.1 —————~~ The County's Administrative Office should annually review and update the disaster response plan and earthquake response plan to insure that personnel, facilities, and supplies are continually available.

~~19.1.2 —————~~ Appropriate county and private agencies should hold disaster preparedness exercises frequently enough to maintain the efficiency of participating mutual aid agencies.

~~19.1.3 —————~~ The County should provide sufficient funds and/or training as necessary to fulfill any response deficiencies that may be within the County's responsibilities and for which resources are available.

~~19.1.4 —————~~ The Monterey County Emergency Plan should be amended to include evacuation plans showing evacuation routes, particularly on a local community basis. Community level plans should include provisions for emergency shelter, transportation, clothing, food, and medical aid. The plans should identify the roles and relationships of all governmental, quasi-governmental, and private service agencies within the community and should provide an inventory of facilities within the community.

S-5.1            Emergency plans that provide for a coordinated and effective response to emergency and disaster events shall be implemented.

S-5.2            The Monterey County Operational Area Emergency Operations Plan shall include general procedures to implement the nationwide National Incident Management System (NIMS), statewide Standardized Emergency Management System (SEMS), activate and operate the Operational Area Emergency Operations Center (EOC), coordinate responders, and implement other tactical response measures.

S-5.3            The Coordinated Emergency Response Plans (CERP) for specific threat areas that include specific response and tactical procedures shall be maintained and updated as needed.

S-5.4            Training programs shall incorporate interagency coordination and joint response simulation exercises to include all elements and disciplines of the Monterey County Operational Area Authority.

S-5.5            Emergency preparation shall be enhanced by:

- a. Continuing to improve preparedness programs and utilizing the best practices to increase public awareness, educate and organize the public to respond appropriately to disasters, in addition to public safety and emergency service providers.
- b. Providing emergency and disaster related information to the public as events occur and coordination with utility providers during disaster events.
- c. Maintaining an ongoing program to train building and safety personnel in risk assessment and ensure that County building codes keep current with state requirements.

S-5.6 Inter-jurisdictional coordination shall be enhanced by maintaining agreements with local, state and federal agencies to provide coordinated emergency response. The Monterey County Operational Area Emergency Plan shall be maintained and enhanced in consultation with all applicable agencies.

S-5.7 The Geographic Information System (GIS) program shall maintain hazard mapping and develop programs for sharing of information with other jurisdictions. Databases on the location of hazards countywide and provide appropriate access to databases for emergency public service providers to improve delivery of public safety services shall be kept current.

S-5.8 Emergency services in all areas of the County shall continue to be improved. Priority for those improvements shall be given to the areas of greatest need.

S-5.9 Emergency roadway connections may be developed where distance to through streets is excessive, or where a second means of emergency ingress or egress is critical. New residential subdivisions of five lots or more shall be encouraged to provide more than one access route for emergency response and evacuation. Such protection requirements shall be consistent with adopted fire safety standards.

S-5.10 Critical facilities under County jurisdiction shall be located, designed, and operated in a manner that maximizes their ability to remain functional in a disaster event.

S-5.11 New development shall provide its fair share of funding for critical facilities concurrent with the development.

S-5.12 New roads, bridges, and utility lines shall be designed and constructed in accordance with applicable seismic safety standards.

S-5.13 Utilities serving new development should be sited and constructed to minimize the risks from hazards to the greatest extent feasible.

S-5.14 All public thoroughfares shall be considered potential evacuation routes. The Monterey County Coordinated Emergency Response Plans shall provide basic information on the evacuation routes for specific areas. The following routes are considered “Pre-designated Emergency Evacuation Routes” and may be

employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander.

S-5.15 Tsunami Evacuation Routes are any route in an incorporated or unincorporated area leading inland away from the coastline to elevations twenty feet or higher.

S-5.16 Inventories of at-risk structures and buildings, including unreinforced masonry buildings, shall be developed. Measures to abate potentially dangerous buildings through retrofitting or demolition shall be identified and encouraged.

**Table HS-1 – Evacuation Routes**

<b>U.S. Highways:</b>	• U.S. Highway 101	
<b>State Highways:</b>	<ul style="list-style-type: none"> <li>• Highway 1</li> <li>• Highway 25</li> <li>• Highway 68</li> <li>• Highway 129</li> <li>• Highway 146</li> </ul>	<ul style="list-style-type: none"> <li>• Highway 156</li> <li>• Highway 183</li> <li>• Highway 198</li> <li>• Highway 218</li> </ul>
<b>Numbered County Roads:</b>	<ul style="list-style-type: none"> <li>• Arroyo Seco Road (G17)</li> <li>• Bitterwater Road (G13)</li> <li>• Carmel Valley Road (G16)</li> <li>• Fort Romie Road (G17)</li> <li>• Hall Road (G12)</li> <li>• Interlake Road (G14)</li> <li>• Jolon Road (G14)</li> <li>• Jolon Road (G18)</li> </ul>	<ul style="list-style-type: none"> <li>• Lake Drive (G19)</li> <li>• Laureles Grade (G20)</li> <li>• Metz Road (G15)</li> <li>• Reservation Road (G17)</li> <li>• River Road (G17)</li> <li>• San Juan Road (G11)</li> <li>• San Miguel Canyon Road (G12)</li> </ul>
<b>Other County Roads:</b>	<ul style="list-style-type: none"> <li>• Alisal Road</li> <li>• Aromas Road</li> <li>• Blackie Road</li> <li>• Blanco Road</li> <li>• Bradley Road</li> <li>• Bryson-Hesperia Road</li> <li>• Cachagua Road</li> <li>• Calera Canyon Road</li> <li>• Camphora Gloria Road</li> <li>• Carpentaria Road</li> <li>• Castroville Boulevard</li> <li>• Cattlemen Road</li> <li>• Cholame Road</li> <li>• Chualar Canyon Road</li> <li>• Cooper Road</li> <li>• Corral de Tierra Road</li> <li>• Crazy Horse Canyon Road</li> <li>• Davis Road</li> <li>• Dolan Road</li> <li>• Echo Valley Road</li> <li>• Elkhorn Road</li> <li>• Elm Avenue</li> <li>• Espinosa Road</li> <li>• Gloria Road</li> <li>• Gonzales River Road</li> <li>• Harkins Road</li> <li>• Indian Canyon Road</li> </ul>	<ul style="list-style-type: none"> <li>• Johnson Canyon Road</li> <li>• Lockwood-San Lucas Road</li> <li>• Lone Oak Road</li> <li>• Milpitas Road</li> <li>• Mission Road</li> <li>• Molera Road</li> <li>• Nacimiento-Fergusson Road</li> <li>• Nashua Road</li> <li>• Oasis Road</li> <li>• Old Stage Road</li> <li>• Palo Colorado Canyon Road</li> <li>• Paris Valley Road</li> <li>• Parkfield-Coalinga Road</li> <li>• Peach Tree Road</li> <li>• Pesante Road</li> <li>• Pine Canyon Road</li> <li>• Priest Valley Road</li> <li>• Reliz Canyon Road</li> <li>• Robinson Canyon Road</li> <li>• Salinas Road</li> <li>• San Benancio Road</li> <li>• San Juan Grade Road</li> <li>• San Lucas Road</li> <li>• 17 Mile Drive</li> <li>• Spreckels Road</li> <li>• Strawberry Road</li> <li>• Tassajara Road</li> <li>• Vineyard Canyon Road</li> </ul>

**Table HS-1 – Evacuation Routes**

	• Indians Road
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## **GOAL S-6**

### **ENSURE THAT AMBULANCE, SHERIFF, AND FIRE SERVICES ARE AVAILABLE FOR THE PROTECTION OF LIFE AND PROPERTY.**

- PS-6.1      The availability of sheriff, ambulance and fire services shall be considered prior to approving the creation of new lots or the intensification of use on an existing lot, pursuant to Table PS-1.
- PS-6.2      The provision of services shall be prioritized to give the highest priority to areas where the highest concentrations of people reside.
- PS-6.3      The standard for service in Community Areas is one officer for each 1,000 residents.
- PS-6.4      The creation or expansion of new Community Areas shall not be allowed in areas where emergency response times exceed the standards in Table PS-1.
- PS-6.5      Countywide service level goals for fire and ambulance/emergency service are:
- a.      Fire:
    - 1.      ISO 4 in urban areas (Community Areas);
    - 2.      ISO 6 in suburban areas (Rural Centers); and
    - 3.      ISO 8 in rural areas (Rural Lands, Agriculture Lands and Public Lands).
  - b.      Ambulance/Emergency:
    - 1.      8 minutes or less, 90% of the time in urban areas (Community Areas);
    - 2.      15 minutes or less, 90% of the time in suburban areas (Rural Centers);
    - 3.      45 minutes or less, 90% of the time in rural areas (Rural Lands, Agriculture Lands and Public Lands).
- PS-6.6      Informational brochures regarding the levels of fire and ambulance/emergency service available throughout the County shall be developed.
- PS-6.7      Public safety measures including sequential house numbering, nonrepetitive street naming, standardized lettering of house numbers in subdivision design, lighting, and park designs that allow for adequate view from streets shall be included in the design and construction of new development.
- PS-6.8      Efforts to reduce crimes and fires through greater application of neighborhood, rural, and industrial crime prevention techniques, and fire prevention education programs shall be encouraged.

## **GOALS, OBJECTIVES, AND POLICIES FOR**

## NOISE HAZARDS

### ~~22~~ GOAL ~~S-7~~

~~TO MAINTAIN AN OVERALL HEALTHY AND QUIET ENVIRONMENT BY TRYING TO ACHIEVE LIVING AND WORKING CONDITIONS FREE FROM ANNOYING AND HARMFUL SOUNDS.~~

#### ~~*Objective Policies*~~

~~22.1 — Adopt noise reduction measures and begin implementation by 1984; revise as conditions change.~~

#### ~~*Policies*~~

~~22.1.1 — The County shall adopt the comprehensive noise ordinance as provided in the County's *Noise Analysis* report, dated March, 1981.~~

~~22.1.2 — The County shall adopt the proposed administrative review process and other implementation methods as indicated in the *Noise Analysis* report.~~

~~22.1.3 — The *Noise Analysis* report should be updated whenever significant sources of noise are introduced; by 1985, the data base used for the *Noise Analysis* report should be assessed, new forecasts made, the ordinance reviewed, and planning procedures updated.~~

#### ~~*Objective*~~

~~22.2 — Ensure, through land use planning, a quiet acoustic environment in portions of the County to be developed.~~

#### ~~*Policies*~~

~~22.2.1 — The County shall require new development to conform to the noise parameters established by Table 6, Land Use Compatibility for Exterior Community Noise Environments.~~

~~22.2.2 — The County shall require the appropriate standards of soundproofing construction in all multiple residential structures as specified in the Building Code.~~

### ~~TABLE 6 LAND USE COMPATIBILITY FOR EXTERIOR COMMUNITY NOISE~~

TABLE MISSING

~~22.2.3~~ The County shall require environmental review of all proposed new development, expansion of industrial facilities, and quarry excavation and processing activities which may increase the noise level in surrounding areas or generate noise levels greater than those specified in Table 6.

~~22.2.4~~ The County shall specify working hours as part of the use permit for industries where on- and off-site noise is a concern to adjacent land uses.

~~22.2.5~~ The County, in accordance with Table 6, should require ambient sound levels to be less at night (10 p.m. to 7 a.m.) than during the day.

~~22.2.6~~ The County shall make available to the public methods and existing noise data which can be employed to reduce unwanted noise from the environment.

~~Objective~~

~~22.3~~ Reduce annoying levels of noise, where appropriate, for all existing situations to an acceptable level by 1984.

~~Policies~~

~~22.3.1~~ The County shall develop cooperative working relationships between those uses that produce noise and those that are sensitive to noise to mitigate existing noise problems.

~~22.3.2~~ The County shall encourage the state to establish and enforce noise emission regulations for recreational off-road vehicles, motorboats, and other recreational vehicles.

~~22.3.3~~ The County shall work with the California Department of Transportation to mitigate the effects of existing highway noise and to avoid future noise problems through careful analysis at the design stage of all new highway improvements.

S-7.1 New noise-sensitive land uses may only be allowed in areas where existing and projected noise levels are “acceptable” according to Table ---. A Community Noise Ordinance shall be established consistent with said Table that addresses, but is not limited to the following:

- Capacity-related roadway improvement projects.
- Construction-related noise impacts on adjacent land uses.
- New residential land uses exposed to aircraft operations at any airport or air base.
- Site planning and project design techniques to achieve acceptable noise levels such as: building orientation, setbacks, earthen berms, and building construction practices. The use of masonry sound walls for noise control in rural areas shall be discouraged.

- Design elements necessary to mitigate significant adverse noise impacts on surrounding land uses.

S-7.2      Noise mitigation measures may be required to reduce noise in indoor spaces to meet County standards.

S-7.3      Development may occur in areas identified as “normally unacceptable,” provided measures to reduce both the indoor and outdoor noise levels to acceptable levels are taken.

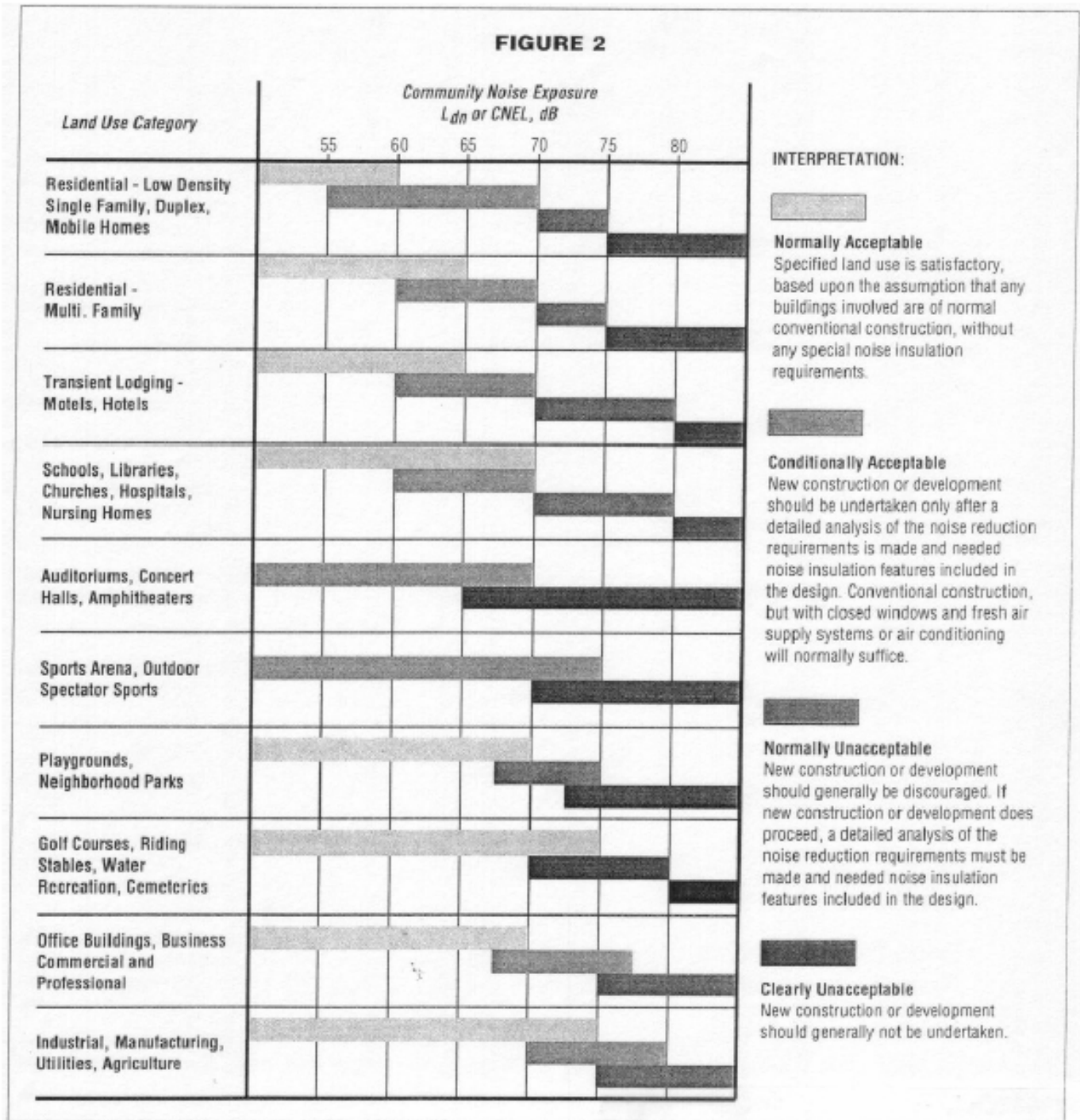
S-7.4      New noise generators may be allowed in areas where projected noise levels are “conditionally acceptable” only after a detailed analysis of the noise reduction requirements is made and needed noise mitigation features are included in project design.

S-7.5      New noise generators should generally be discouraged in areas identified as “normally unacceptable.” Where permitted such new noise generators are permitted, mitigation to reduce both the indoor and outdoor noise levels will be required.

S-7.6      Acoustical analysis shall be part of the environmental review process for projects when:

- a.      Noise sensitive receptors are proposed in areas exposed to existing or projected noise levels that are “normally unacceptable” or higher according to Table -----, the “Land Use Compatibility for Community Noise Table.”
- b.      Proposed noise generators are likely to produce noise levels exceeding the levels shown in the adopted Community Noise Ordinance when received at existing or planned noise-sensitive receptors.

**FIGURE 2**



Source: OPR General Plan Guidelines

## **EXHIBIT E**

# **SYNOPSIS OF ALQUIST PRIOLO ACT**

## **SYNOPSIS: Alquist-Priolo Act**

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. Surface rupture is the most easily avoided seismic hazard.

### **What is the Alquist-Priolo Act?**

The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Seismic Hazards Mapping Act, passed in 1990, addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides.

### **How does the law work?**

The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

### **What is an earthquake fault zone?**

Earthquake Fault Zones are regulatory zones around active faults. The zones are defined by turning points connected by straight lines. Most of the turning points are identified by roads, drainages, and other features on the ground. Earthquake Fault Zones are plotted on topographic maps at a scale of 1 inch equals 2,000 feet. The zones vary in width, but average about one-quarter mile wide.

### **What is a fault?**

A fault is a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are the result of repeated displacements over a long period of time. A fault trace is the line on the earth's surface defining the fault. For the purposes of the Act, an active fault is one that has ruptured in the last 11,000 years.

### **What is "surface rupture" in an earthquake?**

Surface rupture occurs when movement on a fault deep within the earth breaks through to the surface. Surface ruptures associated with the 1992 Landers Earthquake, in San Bernardino County, extended for 50 miles with displacements of an inch to 20 feet. Not all earthquakes result in surface rupture. The Loma Prieta Earthquake of 1989 caused major damage in the San Francisco Bay Area but the movement deep in the earth did not break through to the surface.

Fault rupture almost always follows preexisting faults, which are zones of weakness. Rupture may occur suddenly during an earthquake or slowly in the form of fault creep. Sudden displacements are more damaging to structures because they are accompanied by shaking.

Fault creep is the slow rupture of the earth's crust. Examples of creep are well known along the Hayward Fault where it crosses highly developed areas in Contra Costa and Alameda Counties. Although the Hayward Fault ruptured suddenly in the 1868 earthquake, it also exhibits slow surface creep which offsets and deforms curbs, streets, buildings, and other structures that lie on top of the fault.

### **How can I tell if a property is in an Earthquake Fault Zone?**

Earthquake Fault Zone maps can be studied at local planning departments or at offices of the California Geological Survey. These maps show most streets, drainages, and other features. Local government may have already transferred Earthquake Fault Zone boundaries to parcel maps, so the relationship of the Zone to each parcel can easily be determined. A list of affected cities and counties is available on the web.

### **Does the law require that all real estate within an Earthquake Fault Zone be disclosed as such before it is sold?**

The fact that a property is located in an Earthquake Fault Zone must be disclosed to a potential buyer before the sales process is complete. The real estate agent is legally bound to present this information to the buyer. When no realtor is involved, the seller must inform the buyer directly. This is usually done at the time an offer is made or accepted.

Effective June 1, 1998, the Natural Hazards Disclosure Act requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property is being sold lies within one or more state-mapped hazard areas, including Earthquake Fault Zones.

### **What does an Earthquake Fault Zone mean to me?**

It means that an active fault is present near or within the land parcel and may pose a risk of surface fault rupture to existing or future structures.

If the property is not developed, a fault study may be required before the parcel can be subdivided or structures permitted. See the definition of "project" under "How does the law work?" Check with your local permitting agency for specific requirements.

If a property is developed, you will not need a geologic study unless you plan to extensively add onto or remodel an existing structure. See exemptions above and check with your local permitting agency.

**You can learn more about the potential of fault rupture by:**

- Asking the property owner or real estate agent to see any geologic report prepared for the site.
- Checking the files of local government for consulting reports for nearby sites. Also, most fault investigations required by the Alquist-Priolo Act are on file at the Department of Conservation's California Geological Survey office in San Francisco.
- Researching maps and data on active faults at technical libraries at the California Geological Survey, U.S. Geological Survey, and universities.
- Hiring a consulting geologist to provide a preliminary assessment of the fault-rupture hazard for a specific site (see the Yellow Pages).

# **EXHIBIT F**

## **ALQUIST PRIOLO ACT**

### **ALQUIST PRIOLO ACT**

#### **Chapter 7.5 Index**

- 2621. Citation of chapter
- 2621.5. Purpose and application of chapter
- 2621.6. Project defined

- 2621.7. Exception as to conversion of apartment complex into condominium: projects included
- 2621.8. Exception as to alterations or additions not exceeding 50 percent of value
- 2621.9. Disclosure to prospective purchaser that property is located within zone
- 2622. Functions of the State Geologist, cities and counties
- 2623. Approval of project by city or county: Policies and criteria
- 2624. Authority reserved to cities and counties; regulations, fees, and exemptions
- 2625. Fees: Standard for geologic report
- 2626-2629. [No sections of these numbers]
- 2630. Advice of seismic safety commission

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### **2621. Citation of chapter**

This chapter shall be known, and may be cited, as the Alquist-Priolo Earthquake Fault Zoning Act.

### **2621.5. Purpose and application of chapter**

(a) It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties in implementation of the general plan that is in effect in any city or county. The Legislature declares that this chapter is intended to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults. Further, it is the intent of this chapter to provide the citizens of the state with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical buildings, against ground shaking.

(b) This chapter is applicable to any project, as defined in Section 2621.6 , which is located within a delineated earthquake fault zone, upon issuance of the official earthquake fault zones maps to affected local jurisdictions, except as provided in Section 2621.7 .

(c) The implementation of this chapter shall be pursuant to policies and criteria established and adopted by the board.

### **2621.6. Project defined**

(a) As used in this chapter, "project" means either of the following:

(1) Any subdivision of land which is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and which contemplates the eventual construction of structures for human occupancy.

(2) Structures for human occupancy, with the exception of either of the following:

(A) Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to paragraph (1).

(B) A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings.

(b) For the purposes of this chapter, a mobilehome whose body width exceeds eight feet shall be considered to be a single-family wood-frame dwelling not exceeding two stories.

**2621.7. Exception as to conversion of apartment complex into condominium: Projects included**

This chapter, except Section 2621.9, shall not apply to any of the following:

(a) The conversion of an existing apartment complex into a condominium.

(b) Any development or structure in existence prior to May 4, 1975, except for an alteration or addition to a structure that exceeds the value limit specified in subdivision (c).

(c) An alteration or addition to any structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure.

(d) (1) Any structure located within the jurisdiction of the City of Berkeley or the City of Oakland which was damaged by fire between October 20, 1991, and October 23, 1991, if granted an exemption pursuant to this subdivision.

(2) The city may apply to the State Geologist for an exemption and the State Geologist shall grant the exemption only if the structure located within the earthquake fault zone is not situated upon a trace of an active fault line, as delineated in the official earthquake fault zone map or in more recent geologic data, as determined by the State Geologist.

(3) When requesting an exemption, the city shall submit to the State Geologist all of the following information:

(A) Maps noting the parcel numbers of proposed building sites that are at least 50 feet from an identified fault and a statement that there is not any more recent information to indicate a geologic hazard.

(B) Identification of any sites that are within 50 feet of an identified fault.

(C) Proof that the property owner has been notified that the granting of an exemption is not any guarantee that a geologic hazard does not exist.

(4) The granting of the exemption does not relieve a seller of real property or an agent for the seller of the obligation to disclose to a prospective purchaser that the property is located within a delineated earthquake fault zone, as required by Section 2621.9.

(e) (1) Alterations which include seismic retrofitting, as defined in Section 8894.2 of the Government Code, to any of the following listed types of buildings in existence prior to May 4, 1975:

(A) Unreinforced masonry buildings, as described in subdivision (a) of Section 8875 of the Government Code.

(B) Concrete tilt-up buildings, as described in Section 8893 of the Government Code.

(C) Reinforced concrete moment resisting frame buildings as described in Applied Technology Council Report 21 (FEMA Report 154).

(2) The exemption granted by paragraph (1) shall not apply unless a city or county acts in accordance with all of the following:

(A) The building permit issued by the city or county for the alterations authorizes no greater human occupancy load, regardless of proposed use, than that authorized for the existing use permitted at the time the city or county grants the exemption. This may be accomplished by the city or county making a human occupancy load determination that is based on, and no greater than, the existing authorized use, and including that determination on the building permit application as well as a statement substantially as follows: "Under subparagraph (A) of paragraph (2) of subdivision (e) of Section 2621.7 of the Public Resources Code, the occupancy load is limited to the occupancy load for the last lawful use authorized or existing prior to the issuance of this building permit, as determined by the city or county."

(B) The city or county requires seismic retrofitting, as defined in Section 8894.2 of the Government Code, which is necessary to strengthen the entire structure and provide increased resistance to ground shaking from earthquakes.

(C) Exemptions granted pursuant to paragraph (1) are reported in writing to the State Geologist within 30 days of the building permit issuance date.

(3) Any structure with human occupancy restrictions under subparagraph (A) of paragraph (2) shall not be granted a new building permit that allows an increase in human occupancy unless a geologic report, prepared pursuant to subdivision (d) of Section 3603 of Title 14 of the California Code of Regulations in effect on January 1, 1994, demonstrates that the structure is not on the trace of an active fault, or the requirement of a geologic report has been waived pursuant to Section 2623 .

(4) A qualified historical building within an earthquake fault zone that is exempt pursuant to this subdivision may be repaired or seismically retrofitted using the State Historical Building Code, except that, notwithstanding any provision of that building code and its implementing regulations, paragraph (2) shall apply.

#### **2621.8. Exemptions; local agency liability**

Notwithstanding Section 818.2 of the Government Code, a city or county which knowingly issues a permit that grants an exemption pursuant to subdivision (e) of Section 2621.7 that does not adhere to the requirements of paragraph (2) of subdivision (e) of Section 2621.7, may be liable for earthquake-related injuries or deaths caused by its failure to so adhere.

#### **2621.9. Disclosure to prospective purchaser that property is located within zone**

(a) A person who is acting as an agent for a seller of real property that is located within a delineated earthquake fault zone, or the seller, if he or she is acting without an agent, shall

disclose to any prospective purchaser the fact that the property is located within a delineated earthquake fault zone.

(b) In all transactions that are subject to Section 1102 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Transfer Disclosure Statement as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement as provided in Section 1102.6c of the Civil Code.

(c) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The seller, or the seller's agent, has actual knowledge that the property is within a delineated earthquake fault zone.

(2) A map that includes the property has been provided to the city or county pursuant to Section 2622, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a delineated earthquake fault hazard zone, the agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1102.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the seller or the seller's agents to exercise reasonable care in making a determination under this subdivision.

(e) For purposes of the disclosures required by this section, the following persons shall not be deemed agents of the seller:

(1) Persons specified in Section 1102.11 of the Civil Code.

(2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

(f) For purposes of this section, Section 1102.13 of the Civil Code shall apply.

(g) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

## **2622. Functions of State Geologist, cities and counties**

(a) In order to assist cities and counties in their planning, zoning, and building-regulation functions, the State Geologist shall delineate, by December 31, 1973, appropriately wide earthquake fault zones to encompass all potentially and recently active traces of the San Andreas, Calaveras, Hayward, and San Jacinto Faults, and such other faults, or segments thereof, as the State Geologist determines to be sufficiently active and well-defined as to constitute a

potential hazard to structures from surface faulting or fault creep. The earthquake fault zones shall ordinarily be one-quarter mile or less in width, except in circumstances which may require the State Geologist to designate a wider zone.

(b) Pursuant to this section, the State Geologist shall compile maps delineating the earthquake fault zones and shall submit those maps to all affected cities, counties, and state agencies, not later than December 31, 1973, for review and comment. Concerned jurisdictions and agencies shall submit all comments to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of that review, the State Geologist shall provide copies of the official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within that zone.

(c) The State Geologist shall continually review new geologic and seismic data and shall revise the earthquake fault zones or delineate additional earthquake fault zones when warranted by new information. The State Geologist shall submit all revised maps and additional maps to all affected cities, counties, and state agencies for their review and comment. Concerned jurisdictions and agencies shall submit all comments to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of that review, the State Geologist shall provide copies of the revised and additional official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within the earthquake fault zone.

(d) In order to ensure that sellers of real property and their agents are adequately informed, any county that receives an official map pursuant to this section shall post a notice within five days of receipt of the map at the offices of the county recorder, county assessor, and county planning commission, identifying the location of the map and the effective date of the notice.

### **2623. Approval of project by city or county: Policies and criteria**

(a) The approval of a project by a city or county shall be in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist. In the development of those policies and criteria, the State Mining and Geology Board shall seek the comment and advice of affected cities, counties, and state agencies. Cities and counties shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture. If the city or county finds that no undue hazard of that kind exists, the geologic report on the hazard may be waived, with the approval of the State Geologist.

(b) After a report has been approved or a waiver granted, subsequent geologic reports shall not be required, provided that new geologic data warranting further investigations is not recorded.

(c) The preparation of geologic reports that are required pursuant to this section for multiple projects may be undertaken by a geologic hazard abatement district.

### **2624. Authority reserved to cities and counties; regulations, fees, and exemptions**

Notwithstanding any provision of this chapter, cities and counties may do any of the following:

(1) Establish policies and criteria which are stricter than those established by this chapter.

(2) Impose and collect fees in addition to those required under this chapter.

(3) Determine not to grant exemptions authorized under this chapter.

**2625. Fees: Standard for geologic report**

(a) Each applicant for approval of a project may be charged a reasonable fee by the city or county having jurisdiction over the project.

(b) Such fees shall be set in an amount sufficient to meet, but not to exceed, the costs to the city or county of administering and complying with the provisions of this chapter.

(c) The geologic report required by Section 2623 shall be in sufficient detail to meet the criteria and policies established by the State Mining and Geology Board for individual parcels of land.

**2630. Advice of seismic safety commission**

In carrying out the provisions of this chapter, the State Geologist and the board shall be advised by the Seismic Safety Commission.

**EXHIBIT G**

# **SOILS AND GEOTECHNICAL** **REPORT REQUIREMENTS**

## **MEMORANDUM**

**MONTEREY COUNTY**

**PLANNING AND BUILDING INSPECTION DEPARTMENT**

**DATE: March 29, 2002**

**TO: Interested Parties**

**FROM: Yvonne Christopher, CBO**

**SUBJECT: QUESTIONS ABOUT THE GEOTECH REPORT REQUIREMENT**

Study Session 12/12/05

Page 40

**1. Why do we need a geotech report?**

The California Building Standards Commission mandates the codes that will be used in all jurisdictions in California and have dictated that section 1629 of the Uniform Building Code is mandated. This section requires the design of structures to consider seismic zone, site characteristics (soils), occupancy classification, etc.

Section 1629.3 states "Each site shall be assigned a soil profile type based on properly substantiated geotechnical data..."

**2. Is there an exception to this mandate?**

Yes. If the structure meets the requirements of conventional construction as defined in section 2320 of the Uniform Building Code. The exception is noted in UBC 1605.1.

**3. When did this come into the codes and why haven't we been asked for this report before?**

The 1994 code identified site factors (types of soil), but was re-written in the 1997 UBC to require categorization, substantiated by a geotech report. The county has been slow to enforce this section of the code.

**4. What if my neighbor had a soils report or geotech report, can I use theirs?**

A neighboring property may have similar soil. Contact the Geotech Engineer that did the report and ask him to review and state in writing that the conditions of the report are valid for the adjacent property. If the analysis was performed more than ten years ago, they will need to review and update the report.

**5. What if I'm building on a lot in a subdivision?**

Subdivisions typically have a geotech or soils report that was analyzed during the development process. Contact the Geotech Engineer that did the report and ask him to review and state in writing that the conditions of the report are valid for the lot in question. If the analysis was performed more than ten years ago, they will need to review and update the report.

**6. What information are we trying to gather in the report?** A geotech report should analyze the following:

- a. assignment of soil profile types as per UBC 1629.3
- b. geotechnical parameters for use in the design of foundations, slab on-grade and lateral resistance

**7. Who can I speak to about this requirement?**

John Knight, Supervising Grading Inspector 755-5133

Yvonne Christopher, Building Official 755-5168

**8. How do I find a Geotechnical Engineer?**

Please refer to the phone directory. They are listed as Engineers-Geotechnical

**9. I submitted a geotech report on the same property with a previous application. May I use the same report?**

Yes. Please let the front line staff know we have a report on file and you would like it used with the new project. If the analysis was performed more than ten years ago, they will need to review and update the report.

**10. When do I submit the report?**

The report is necessary to perform a complete plan review. If the report is not submitted with the plans, it will be requested during the plan review process. There is a submittal handout available at the front counter or on our website that further explains all documents required for plan checking.

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**MONTEREY COUNTY PLANNING AND BUILDING INSPECTION  
DEPARTMENT (831) 755-5027 (SALINAS) (831) 883-7500 (MARINA)  
CODE INTERPRETATION**

**SUBJECT**

Soil Investigations.

**DISCUSSION**

The construction community and department plan review staff have requested clarification in regards to when a soil investigation shall be required.

**CODE CITATIONS**

Section 1804.1, Foundation Investigation — General, of the 2001 Monterey County Building Code stipulates that the building official shall determine when and by whom the classification of soil at a building site is required.

Section 1804.2, Investigation, describes the parameters that such investigation shall include, with certain exceptions.

**INTERPRETATION AND DETERMINATION OF THE CHIEF BUILDING OFFICIAL**

Pursuant to the above sections, soil investigations shall be required as follows:

1. All new commercial and habitable residential buildings.

**EXCEPTIONS:**

1. State approved manufactured buildings with State approved foundation systems.

2. All Group U occupancies, provided that engineered designs, such as for retaining walls and light pole footings, use conservative soil characteristic values.

3. Additions to dwelling units up to 500 square feet in footprint area on a flat or gently sloping lot (not greater than 2% slope). The foundation system of the addition shall match the existing structure's foundation and shall be adequately tied to the existing foundation in order to prevent differential settlement. The building inspector shall verify that the new foundation is installed in native soil, and may rescind this exception for due cause.

2. Additions to dwelling units greater than 500 square feet in footprint area, and additions to commercial buildings.

**EXCEPTION:**

1. When the Building Official determines that specific conditions at the building site do not merit such investigation.

Pursuant to Section 1804.2, such investigation need not address liquefaction potential or soil stability for a single story Group R-3 occupancy building with or without an attached Group U-1 garage.

Approved: Brian Washko, Assistant Director Building Official

Date: July 9, 2003

Building Division Code Interpretation Soil Investigations

## **EXHIBIT H**

# **SPECIE AND HABITAT POLICIES FROM** **THE AREA PLANS**



**MEMORANDUM**

**MONTEREY COUNTY**

Resource management Agency – Planning & Building Inspection Department

**DATE: 11-23-05**

**TO: Board of Supervisors**

**FROM: Scott Hennessy**

**SUBJECT: Environmentally Sensitive Areas and Vegetation and Habitat Policies of non-Coastal Area Plans for Monterey County**

The attached document is a compilation of the Vegetation and Habitat and Environmentally Sensitive Areas policies of the existing non-Coastal Area Plans. The planning areas include: Cachagua, Carmel Valley, Central Salinas Valley, Greater Monterey Peninsula, Greater Salinas, North County, and South County

The policies of these planning areas include consideration of critical habitat for rare and endangered species as identified by either federal or state law. In addition all riparian habitat of the county is considered by the California Department of Fish & Game as Areas of Special Biological Importance. The policies range from encouraging protection of rare and endangered through an education process in conjunction with the California Native Plant Society and University of California Extension Service to requiring environmentally sensitive habitats to be preserved as open space.

The current General Plan defines Rare and Endangered Species as: *Plant and animal species identified by the California Department of Fish & Game, the United States Fish & Wildlife, the Smithsonian Institution and/or the California Native Plant Society as rare, endangered, and/or threatened.*

**CACHAGUA AREA PLAN**

***Vegetation and Wildlife Habitats***

7.1.3 (C) The protection of rare and endangered plant species should be encouraged through an education process in conjunction with the California Native Plant Society, the University of California Extension Service and other appropriate agencies to ensure that all rules and regulations set forth in the Federal Endangered Species Act of 1973, as amended, are enforced.

8.2.1 (C) The County shall cooperate with the United States Forest Service and private property owners to ensure that Santa Lucia fir are protected due to their significance to the natural history of the Planning Area.

8.2.2 (C) The removal of native trees shall be discouraged and shall be allowed only under the following conditions:

1. in conjunction with an approved timber harvest plan, or
2. in conjunction with an approved agricultural management plan, or
3. in conjunction with an approved discretionary permit application, or
4. with administration permit approval for removal of 4 or more trees with a trunk diameter in excess of 6 inches, measured two feet above ground level, on any given parcel in any twelve (12) month period, or
5. in emergency situations caused by the hazardous or dangerous condition of a tree, provided that the County is notified of the removal within ten (10) working days.

A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation. Exemptions shall include tree removal by public utilities, as specified in the California Public Utility Commission's General Order 95.

8.2.3 (C) The County shall cooperate with the United States Forest Service and private property owners to implement prescribed burning programs.

9.1.3 (C) Development shall be sited to protect riparian vegetation and threatened fish species, minimize erosion, and preserve the visual aspects of the Carmel and Arroyo Seco Rivers. Private property owners are encouraged to preserve the Carmel River in its natural state, to prevent erosion and protect fishery habitat. This policy is intended to be consistent with the Fish and Game Code.

9.2.2.1 (C) A proposed new San Clemente Dam may impact the Carmel River steelhead spawning areas that are located in the proposed reservoir inundation area.

The County should work with the appropriate agencies to provide similar nursery habitat within the Planning Area. Such habitat would provide fry with the ability to migrate to lower portions of the Carmel River.

- 9.2.3 (C) The County should work with the Department of Fish and Game to ensure that the fishery located above the Los Padres Dam is maintained in a productive state.
- 9.2.4 (C) Fishery habitat located above the San Clemente Dam should be accessible to fish populations, especially steelhead.
- 9.2.5 (C) The County should work with the appropriate agencies to develop a water supply system that will be sufficient to allow fish populations ingress and egress to all portions of the Carmel and Arroyo Seco Rivers throughout the year. This system would also consider provisions to allow fish populations to pass over river obstructions.
- 9.2.6 (C) Major project proposals that impact areas of critical steelhead habitat in the riparian corridor should enhance the habitat.
- 9.3.1 (C) The County should work with the California Department of Fish and Game to ensure that the fishery located above Los Padres Dam is maintained and is open to fishing during the appropriate season and in the appropriate locations.
- 9.3.2 (C) The County should work with the Department of Fish and Game to ensure that established fishing locations above Los Padres Dam are available to the general public during the fishing season as such use does not threaten any endangered fish species.

### **CARMEL VALLEY MASTER PLAN**

- 7.1.1.1 (CV) Areas of biological significance shall be identified and preserved as open space. These include, but are not limited to, the redwood community of Robinson Canyon and the riparian community and redwood community of Garzas Creek. When a parcel cannot be developed because of this policy, a low-density, clustered development may be approved. However, the development shall occupy those portions of the land not biologically significant or on a portion of the land adjoining existing vertical forms, either on-site or off-site and either natural or man-made, so that the development will not diminish the visual quality of such parcels or upset the natural functioning of the ecosystem in which the parcel is located. If this policy precludes development of a parcel because of biological significance, a low level of

development (but no subdivision) may be allowed provided impacts on the resource are minimized.

Additional such areas include:

- o All wetlands, including marshes, seeps and springs (restricted occurrence, sensitivity, outstanding wildlife value).
- o Native bunchgrass stands and natural meadows (restricted occurrence and sensitivity).
- o Cliffs, rock outcrops and unusual geologic substrates (restricted occurrence).
- o Ridgelines and wildlife migration routes (wildlife value).

7.1.1.2 (CV) Areas of critical habitat for rare and endangered species as identified by either federal or state law and areas of biological significance should be identified and preserved as open space.

7.1.3 (CV) Development shall be sited to protect riparian vegetation, minimize erosion, and preserve the visual aspects of the river. Therefore, development shall not occur within the riparian corridor. In places where the riparian vegetation no longer exists, it should be planted to a width of 150 feet from the river bank, or the face of adjacent bluffs, whichever is less. Density may be transferred from this area to other areas within a parcel.

7.1.4 (CV) River bed and bank management by private property owners shall preserve the natural state of the Carmel River by maintaining willow cover along the banks for erosion control, not building levees, not further altering the course of the river, and not allowing individuals to dredge the river except by permit from the Monterey Peninsula Water Management District or Monterey County.

7.1.5 (CV) A monitoring program shall be implemented to document changes in the vegetation of the Carmel River riparian corridor and to determine the most relevant factors involved. This shall be funded by the users of the riparian corridor, particularly those involved in water extraction, streambed alterations and developments which encroach upon the corridor. The monitoring program shall produce an annual report to the Board of Supervisors through a Joint Power Agreement with the agency or agencies conducting the monitoring. Upon two consecutive years of declining vigor in any reach of the river as defined by the Monterey Water Management District, the Board of Supervisors shall immediately hold public hearings to consider limitation of further development and/or a Carmel Valley Master Plan amendment to reverse the causes of declining riparian vegetation vigor determined by evidence in the record to be

derived from implementation of the Carmel Valley Master Plan or development designated therein.

- 7.1.6 (CV) Motorized vehicles shall be prohibited on the banks or in the bed of the Carmel River, except by permit from the Water Management District or Monterey County.
- 7.2.1.1 (CV) In order to preserve soil stability and wildlife habitat, the chaparral community shall be maintained in its natural state to the maximum extent feasible consistent with fire safety standards.
- 7.2.1.2 (CV) In new development, the potential for impact on rare and endangered species shall be assessed by County staff and appropriate mitigation of identified impacts shall be required in accord with policies 11.1.1.1 and 11.1.1.2. Existing vegetation shall be protected and only plants similar in habit, form and water requirements to native vegetation common to the valley shall be used as the predominant additional or replacement landscaping material. The existing native vegetation should be maintained as much as possible throughout the valley.
- 7.2.1.3 (CV) Plant materials shall be used to integrate the man-made and natural environments, to screen or soften the visual impact of new developments, and to provide diversity in developed areas.
- 7.2.2.1 (CV) Botanically appropriate species shall be used for required landscaping and erosion control.
- 7.2.2.2 (CV) The pamphlet entitled The Look of the Monterey Peninsula Landscape should be consulted for guidance in selection of plant species for landscaping of development projects. This publication is available at the County Planning Department and the Water Management District office.
- 7.2.2.3 (CV) Weedy species such as pampas grass and genista shall not be planted in the Valley. Such species shall not be used in required landscaping and wherever they currently occur, they shall be removed when the required landscaping is implemented.
- 7.2.2.4 (CV) Landscaping in chaparral communities should be done with fire-resistant plants.
- 7.2.2.5 (CV) The County shall discourage the removal of healthy, native oak and madrone and redwood trees in the Carmel Valley Master Plan Area. A permit shall be required for the removal of any of these trees with a trunk diameter in excess of six inches, measured two feet above ground level. Where feasible, trees removed will be replaced by nursery-grown trees of

the same species and not less than one gallon in size. A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation. In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, a tree may be removed without the above permit, provided the County is notified of the action within ten working days. Exemptions to the above permit requirement shall include tree removal by public utilities, as specified in the California Public Utility Commission's General Order 95, and by governmental agencies.

7.2.2.6 (CV) Valley oaks should be used in landscape planting plans on flood plain terraces.

9.1.2.2 (CV) Open space areas should include a diversity of habitats with special protection given areas where one habitat grades into another (these ecotones are ecologically important zones) and areas used by wildlife for access routes to water or feeding grounds.

9.1.2.3 (CV) The County shall provide seed money and establish a mitigation fund which assesses individual fees (based on total acreage developed and other factors such as location, type of development, and types of habitats affected) to help fund areawide ecological planning and management. This planning will address areawide impacts resulting from cumulative development such as impacts on wildlife migration and access routes, foraging habitat, and nesting sites.

### ***Environmentally Sensitive Areas***

11.1.1.1 (CV) Whenever a development proposal is received and is in or adjacent to a rare or endangered plant community, as identified in policy 11.1.1.2, the County shall require the applicant to provide a botanical report prepared by a botanist from the County list of approved consultants. The report shall include a description of the habitat to be affected by the project including area, species, rare and endangered status, if applicable, and suggestions for mitigation of project impacts. In any cases where a rare or endangered species as defined by either State or Federal legislation is found on-site, no development shall proceed until an Incidental Taking Permit or exclusion is obtained in accordance with Federal Endangered Species Act and the State Department of Fish and Game is notified of the existence of the rare and endangered species (whether on Federal list, State list or both) pursuant to Fish and Game Code Chapter 10 Section 1913c.

11.1.1.2 (CV) The County Planning Department shall maintain records of the known locations of all rare and endangered plant species. Reports shall be on file and locations shall be noted on the resources base maps. These maps

shall be updated continuously as project applicant reports are received, and from time to time as other agencies such as Fish and Game or the California Native Plant Society may make additional location reports available.

### **CENTRAL SALINAS VALLEY AREA PLAN**

- 11.1.6 (CSV) The County should identify environmentally sensitive habitat areas which are unique, limited, and fragile resources; and promote conservation of these habitat areas within the Central Salinas Valley.

### **GREATER MONTEREY PENINSULA AREA PLAN**

#### ***Vegetation and Wildlife Habitats***

- 7.1.3 (GMP) In recognition of its status as a threatened resource, its function as riparian habitat and its important role in watershed protection, redwood forest habitat should be retained as open space through conservation easements or, where necessary, fee acquisition.
- 7.1.4 (GMP) Redwood forest and chaparral habitat on land exceeding 30 percent slope should remain undisturbed due to potential erosion impacts and loss of visual amenities.
- 7.1.5 (GMP) In recognition of their function as important habitat for many wildlife species and their substantial contribution to scenic resources within the Planning Area, coastal and interior wetlands should be retained as open space through conservation easements or, where necessary, fee acquisition.
- 7.1.6 (GMP) A setback of 100 feet from all wetlands shown on Figure 3 (Environmentally Sensitive Areas Map) shall be provided and maintained in open space use. No new development shall be allowed in this setback area. No landscape alterations will be allowed in this setback area unless accomplished in conjunction with a restoration and enhancement plan approved by the California Department of Fish and Game.
- 7.1.7 (GMP) The County shall encourage other local agencies to take appropriate measures for the protection of wetlands under their jurisdiction.
- 7.2.3 (GMP) Plant materials shall be used to integrate the manmade and natural environments, to screen or soften the visual impact of new development, and to provide diversity in developed areas.
- 9.1.1.1 (GMP) Open space areas should include a diversity of habitats with special protection given to ecologically important zones such as areas where one

habitat grades into another and areas used by wildlife for access routes to water or feeding grounds.

### ***Environmentally Sensitive Areas***

- 11.1.6 (GMP) Environmentally sensitive areas as shown on the Greater Monterey Peninsula Environmentally Sensitive Areas Map should be preserved as open space. When an entire parcel cannot be developed because of this policy a low intensity, clustered development may be approved. However, the development should be located on those portions of the land least biologically significant.

## **GREATER SALINAS AREA PLAN**

### ***Vegetation and Wildlife Habitats***

- 7.1.3 (GS) All vegetation on land exceeding 30 percent slope, particularly chaparral and broad leaf evergreen, should remain undisturbed to minimize erosion and retain important visual amenities.
- 7.1.4 (GS) Riparian corridors should be preserved.
- 7.2.3 (GS) Native plant materials should be used to integrate the manmade environment with the natural environment and to screen or soften the visual impact of new development.

### ***Environmentally Sensitive Areas***

- 11.1.6 (GS) Environmentally sensitive areas shall be preserved as open space. Surrounding land uses shall not destroy an area's habitat capacity and its role within the ecosystem.

## **NORTH COUNTY AREA PLAN**

### ***Vegetation***

- 7.1.3 (NC) To retain the viability of threatened or limited vegetative communities and animal habitats, to promote the area's natural scenic qualities, and to preserve rare, endangered and endemic plants for scientific study, the conservation of North County's remaining tracts of native vegetation shall be given high priority.
- 7.2.2.1 (NC) The County shall discourage the planting of non- native, invasive plant species, and shall disallow the use of these plants in fulfilling landscaping or revegetation requirements imposed as conditions of discretionary permits.

- 7.2.2.2 (NC) The Planning Department shall prepare lists of commonly available plant species suitable for a variety of landscaping applications in North Monterey County. The plant lists shall include drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; plant species endemic to North County shall be noted on the lists. The Planning Department shall also prepare a list of commonly available, non-native, invasive plant species to discourage the planting of those species. All plant lists shall be made available to the public upon request and issued with all building or grading permits.
- 7.2.3 (NC) Property owners shall be encouraged to cooperate with the County in establishing conservation easements over areas of native vegetation.
- 8.2.1 (NC) The County shall discourage the removal of healthy, native oak and madrone trees in North Monterey County. A permit shall be required for the removal of any of these trees with a trunk diameter in excess of six inches, measured two feet above ground level. Where feasible, trees removed will be replaced by nursery-grown trees of the same species and not less than one gallon in size. A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation. In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, a tree may be removed without the above permit, provided the County is notified of the action within ten working days. Exemptions to the above permit requirement shall include tree removal by public utilities, as specified in the California Public Utility Commission's General Order 95, and by governmental agencies.

### ***Environmentally Sensitive Areas***

- 11.1.6 (NC) Environmentally sensitive areas should be preserved as open space. When an entire parcel cannot be developed because of this policy a low-density, clustered development may be approved. However, the development should be located on those portions of the land not biologically significant so that the development will not upset the natural functioning of the ecosystem in which the parcel is located.

### **SOUTH COUNTY AREA PLAN**

No supplemental policies.

### **TORO AREA PLAN**

#### ***Vegetation***

- 7.2.3 (T) The preservation of oak trees in Toro shall be promoted by discouraging removal of healthy trees with diameters in excess of eight inches.

## **CURRENT GENERAL PLAN DEFINITIONS**

***BROADLEAF EVERGREEN:*** A plant community encompassing the evergreen oak woodlands and forests whose representative species include madrone, tanoak, live oak, blue oak, and valley oak.

***COASTAL SCRUB:*** A plant community related to the chaparral community in that it consists primarily of low-growing, woody shrubs. However, the coastal locale and heavier soils of the coastal scrub communities contribute to faster growing, more herbaceous plants than those in the chaparral communities.

***COASTAL STRAND:*** A plant community most commonly comprised of low-lying succulent plants found on sand dunes and bluffs close to the ocean.

***RARE AND ENDANGERED SPECIES:*** Plant and animal species identified by the California Department of Fish and Game, the United States Fish and Wildlife Service, the Smithsonian Institute and/or the California Native Plant Society as rare, endangered, and/or threatened.

***RIPARIAN HABITAT:*** A natural plant community dependent upon a water body or water course, generally supporting a rich diversity of wildlife.

***RIPARIAN WOODLAND:*** A plant community with lush growths of trees and shrubs, supported by wet conditions along seasonally and permanently flowing fresh water streams and rivers.