

Conservation

Introduction

There is no doubt that the incomparable natural resources of Monterey County are worthy of the very highest level of protection.

The Guiding Objectives adopted by the Board of Supervisors, and that serve as the foundation of this Community General Plan, were the result of hundreds of outreach meetings held over a two-year period, and in every part of Monterey County. Those General Plan outreach meetings demonstrated, very clearly, that the citizens and residents of Monterey County want the very strongest possible protections for the natural resources that make Monterey County such a splendid place to live in or visit.

The Conservation Element is the place where most of the General Plan's resource protection policies will be found. It should be noted, however, that the policies found in this Element of the General Plan are sometimes supplemented by special policies, within the Area Plans, that apply uniquely to the resources within the County's different Planning Areas.

The policies contained in this Conservation Element fully carry out the following Guiding Objectives:

Guiding Objective #9

Provide long-term protection of identified resource-rich and critical habitat areas.

Guiding Objective #11

Seek to provide an adequate and sustainable water supply while protecting the county's watersheds and marine environment, including surface water, ground water, and aquifer recharge areas.

Conservation – Goal #1

DIRECT NEW GROWTH INTO COMMUNITY AREAS TO BUILD MORE LIVABLE COMMUNITIES AND TO CONSERVE NATURAL AND AGRICULTURAL RESOURCES.

Conservation – Policy #1

Direct Growth to Conserve Resources – The County shall conserve natural and agricultural resources for future generations by directing new urban growth into existing cities and their Spheres of Influence, and into designated Community Areas. This policy shall not apply to existing legal lots of record.

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Conservation – Goal #2

CONSERVE, MANAGE, AND UTILIZE THE COUNTY’S MINERAL AND PETROLEUM RESOURCES FOR FUTURE GENERATIONS.

Conservation – Policy #2

Mineral Extraction Reserves – With the exception of the former Fort Ord Community Area, lands within MRZ-2 zones shall be planned and used in ways that reserve future options for extraction and use of minerals for future generations. Uses in MRZ-2 zones shall be limited to mining and mining-related uses and other uses compatible with mining.

Conservation – Policy #3

Incompatible Land Use Adjacent to Existing Mineral Extraction Areas – New land uses such as residential housing, schools, libraries, hospitals and other uses that might be adversely affected by mineral extraction operations will not be permitted to locate within 1,000 feet of the boundaries of any land included within the mining plan of any existing mineral extraction operation.

Conservation – Policy #4

Compliance With SMARA and Property Owner Notifications - The County shall ensure compliance with the California Surface Mining and Reclamation Act (SMARA). Proposed developments within 2,500 feet of existing or potential mining activities shall be noticed of the rights of the mining operation.

Conservation – Policy #5

Incompatible Land Uses – Where a proposed land use has been determined to threaten the potential to extract minerals or petroleum resources in the areas identified on the Mineral Resources Map (Map 10), the County shall require all reasonable and feasible mitigations to avoid or minimize conflicts between the proposed use and development of the mineral resource. The County shall make written findings in support of its decision to permit such a use, in accordance with the requirements of the California Surface Mining and Reclamation Act (SMARA).

Conservation – Policy #6

Compliance with State and Federal Regulations – Environmentally sound mining and oilfield operations shall be required through compliance with SMARA and other

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applicable standards and regulations. Environmental impact assessments, implementation of approved reclamation plans, and posting of adequate financial security insuring the reclamation of mined lands will be required as conditions for extraction permits.

Conservation – Goal #3

REDUCE CONSUMPTION AND RELIANCE UPON NON-RENEWABLE ENERGY SOURCES.

Conservation – Policy #7

New Development – All new development, including rehabilitations, renovations and redevelopment shall incorporate energy conservation and green building practices to the maximum extent feasible. Such practices include, but are not limited to: building orientation and shading, landscaping, and the use of active and passive solar heating and water systems. The County shall implement this policy by adopting and enforcing a green building ordinance. Adoption of such a green building ordinance shall occur within one year of the adoption of this General Plan.

Conservation – Policy #8

County Facilities – It shall be the policy of Monterey County to reduce energy consumption within County government facilities. Within five years from the adoption of this General Plan, energy consumption within County government facilities from non-renewable power sources (including natural gas, compressed and liquefied gas sources, gasoline, fuel oil, and other fossil fuels) shall be reduced by 15% over consumption in the year 2000.

Conservation – Policy #9

Incentives – The County will work with the California Energy Commission and other public and non-profit agencies to promote the use of programs that encourage farmers and developers to surpass Title 24 Energy Efficiency standards by utilizing renewable energy generating systems and more efficient agricultural practices that conserve energy, including, but not limited to drip irrigation, high efficiency water pumps, and natural gas, hydrogen or electrical vehicles.

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Conservation – Goal #4

SUPPORT THE DEVELOPMENT OF CLEAN ALTERNATIVE ENERGY SOURCES, CONSERVATION AND UTILIZATION OF RENEWABLE ENERGY SOURCES.

Conservation – Policy #10

Energy Recovery Systems – Whenever it is economically and physically feasible to do so, the County shall require the use of energy recovery systems in projects greater than one-single family residential unit.

Conservation – Policy #11

Methane Recovery from Landfills – The County shall encourage methane gas recovery methods and technologies to generate power from existing solid waste disposal sites. New solid waste facilities shall incorporate methane recovery into the facility design.

Conservation – Goal #5

PROTECT AND PRESERVE WATERSHEDS AND AQUIFER RECHARGE AREAS.

Conservation – Policy #12

Watersheds and Aquifer Recharge – The County shall identify, protect and enhance watersheds and aquifer recharge areas, so that their function is maintained and groundwater quality is not degraded (See Map 11).

Conservation – Policy #13

Erosion – It is the policy of Monterey County to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil and vegetation, disruption of water supply, and increased danger from flooding. Therefore, the density and design of all new development shall be planned to be consistent with the characteristics and constraints of the site on which that development is carried out. Structures on slopes that would normally require major grading shall utilize pole, step, or other

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foundations that do not require major grading. New parcels shall not be created that will:

- Require building or construction on slopes of 25 percent or greater;
- Require new access roads and driveways to cross slopes of 25 percent or greater; or
- Require cuts and fills greater than ten feet in height for distances greater than 50 feet or for 10 percent of the new roadway length, whichever is greater.

For any project, access roads and driveways shall not cross slopes greater than 25 percent and cuts and fills shall not exceed ten (10) feet. Variances may be granted by the County if a route across a steep slope will demonstrably result in less environmental damage than any alternative route that complies with the slope restrictions specified in this policy, or if no other alternative exists, and the parcel would otherwise be undevelopable. Such variances must be based on supporting evidence in the administrative record, provided by qualified experts.

Streams or drainage courses shall not be obstructed or disturbed except for approved road crossings, unless disturbance of a drainage course will improve overall resource protection as determined by a qualified biologist.

Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building site, access to the building site, fire protection and construction. Land clearing activities shall be mitigated to avoid erosion.

Conservation – Policy #14

Erosion Control – Soil loss from erosion can cause a significant degradation to agricultural productivity and to natural habitats, and can burden the public for clean up and maintenance expenses. The County shall impose permit conditions that prohibit off-site erosion and siltation from all development activities, in order to prevent damage to soil, watercourses, and biotic resources from sedimentation, erosion, and chemical pollution. To the greatest extent possible, areas subject to erosion shall not be left in an exposed or unvegetated condition. All exposed areas within a development project subject to erosion shall be protected by mulching or other effective means during the rainy season (October 15 to April 15).

The County shall require an Erosion Management Plan for each new development, or an alteration to an existing development, that would require land disturbance of greater than 100 cubic yards of soil movement or greater than one acre of disturbance (whichever is smaller), and for all development within areas of high and moderate soil erosion hazard (See Map 13). All such development also must comply with Federal Clean Water Act requirements.

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Erosion Management Plans shall be prepared by a Registered Geotechnical Engineer or Certified Erosion Control Specialist. Said erosion management plans shall consider the project's existing and potential deposition of upslope material or downslope slippage, methodologies for keeping sediment on site, methodologies for slowing the release of water to lower lying properties, measures for retention of vegetation and revegetation measures and mapping of drainage patterns before and after development.

Conservation – Policy #15

Vegetated Buffer Strips – As a means to slow runoff and provide natural water pollutant removal, the County will require new development to incorporate use of vegetated buffer strips and other “best management practices” throughout the development to facilitate slowing of runoff from impermeable surfaces and to improve natural pollutant removal.

Conservation – Policy #16

Discharge into Streams and Rivers – Discharges from sanitary septic systems, wastewater treatment systems, carwash wastewater and other improper disposal of truck, automobile and household toxic materials can contribute high levels of pollutants including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving water bodies. Pollutant levels from discharges have been shown by the federal Environmental Protection Agency to be high enough significantly to degrade receiving water quality and threaten aquatic, wildlife and human health. In accordance with Federal Clean Water Act requirements, the County shall prohibit discharges of pollutants into streams and rivers.

Conservation – Policy #17

Animal Confinement Operations – In accordance with State Regional Water Quality Control Board requirements, where confinement of large domestic animals (e.g. horses, cattle, pigs and other livestock) is proposed to occur on a permanent basis, such as in feed lots, dairies, poultry barns, or in any similar confined area, the County shall require retention of surface drainage from manure storage and washwater to be held for 24 hours during a 25 year storm and protected from any overflow coming from stream channels in a 100 year peak stream flow.

Conservation – Policy #18

Runoff – In order to enhance ground water percolation, maintain groundwater quality and reduce flood hazards, all new development shall be conditioned to require that neither stormwater nor landscaping and irrigation water shall be released off-site at a rate greater than would be allowed by the stormwater runoff standards of the Water Resources Agency for a ten (10) year magnitude storm. Mitigation

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measures to retain runoff on-site shall include minimizing earth moving, minimizing removal of natural vegetation, use of vegetated buffer strips and open space adjacent to impermeable surfaces, use of cisterns, and other best management practices and technologies.

Conservation – Policy #19

Grading Permits – Grading permits shall be required for any new development project that results in land disturbance of greater than 100 cubic yards of soil movement or greater than one acre of disturbance (whichever is smaller), and for the conversion of historically uncultivated lands to new agricultural uses if such lands have high or moderate soil erosion potential, as identified in the Soil Erosion Hazard Map (Map 12), or if such lands are located on slopes steeper than 15 percent.

Conservation – Policy #20

Excessive Runoff or Soil Erosion – Where any land use activity results in repeated, excessive runoff or soil erosion, the County shall require that the problem created by such activities be remedied by the owners of the properties on which the runoff problem originates. Excessive runoff and/or erosion is defined as that in excess of the runoff or erosion produced by the land under conditions prior to soil disturbance or development.

Conservation – Policy #21

Off-Road Vehicle Activity – To protect rivers, drainage ways, and limit sedimentation, as well as to protect the wildlife habitat values of riparian areas and their adjacent buffer zones, off-road vehicle activity shall be prohibited within river beds and drainage ways, except when essential to routine and ongoing agricultural activities.

Conservation – Goal #6

PROTECT, PRESERVE AND ENHANCE THE COUNTY’S UNIQUE AND IRREPLACEABLE SIGNIFICANT ECOLOGICAL AREAS AND THE WILDLIFE THEY SUPPORT.

Conservation – Policy #22

SEA Protection – Significant Ecological Areas (SEAs) and the wildlife they support shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within SEAs. Routine and ongoing

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agricultural activities may be exempt from this policy as specifically described in Agriculture Policy #5.

Conservation – Policy #23

New Development To Avoid Significant Ecological Areas – Except as otherwise specifically permitted in this General Plan, no grading, filling, land clearance or land disturbance, use of a toxic material, timber harvesting, land subdivision, or any other development or construction activity shall take place within any Significant Ecological Area (SEA).

Notwithstanding the foregoing, grading, filling, land clearance or land disturbance, use of a toxic material, timber harvesting, or other proposed construction or development activity (but not including a land subdivision) may be allowed within a SEA, subject to a use permit, if to prohibit such activity would make an existing parcel unusable. A use permit allowing one or more of the activities listed in this paragraph shall not be granted until all applicable federal and state regulations are met. When a use permit is approved, to permit one or more of the activities listed in this paragraph within a Significant Ecological Area, disturbance of the Significant Ecological Area shall be minimized, and any permitted activity shall be carried out under the following conditions:

- The permitted activity shall be located within an appropriately defined and confined envelope, to minimize environmental impacts to the maximum extent feasible.
- The permitted activity shall be mitigated to a less than significant level, in terms of its environmental impacts, and mitigation measures to offset impacts of the development shall be developed through coordination and agreement between County, state and federal agencies having jurisdiction.
- Acquisition and dedication of an open space or conservation easement or an equivalent measure shall be required, as necessary, to protect the portion of the Significant Ecological Area that is undisturbed by the permitted activity.
- As a mitigation for the habitat disturbance permitted on the parcel where development activities are allowed, an area of similar habitat, at least as large as the disturbed area, shall be permanently protected on an adjacent or nearby parcel, so that there shall be no net loss for any affected habitat type, and the required dedication or procurement of permanent conservation easements for preservation of resources shall result in the protection of lands that have a habitat value equal to or greater than the habitat value of the lands upon which the permitted activity takes place.

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- Restoration of any area that is a degraded sensitive habitat or has caused or is causing the degradation of a sensitive habitat shall be required, provided that any restoration required shall be commensurate with the scale of the proposed activity within the SEA.

In addition, the following activities are exempt from this policy:

- Existing resource protection and management plans that have been adopted by the County and state and federal agencies as part of any development plan or permit approved as of the date that this General Plan policy is adopted.
- The continuance of any pre-existing non agricultural use, provided that such use has not lapsed for a period of one year or more. This exemption shall include a change of uses, if the changed use does not significantly increase the degree of encroachment into or impact on the sensitive habitat, as determined by the County.
- All activities listed in the California Food and Agricultural Code pursuant to the control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.
- Drainage, erosion control, or habitat restoration measures required as a condition of a project permitted by the local government.

Conservation – Policy #24

Setbacks For New Development – All new development, even when not itself located in a Significant Ecological Area, shall avoid impacts to SEAs. Setbacks from these resources shall be a minimum width of:

- 100 feet from the top of banks of intermittent streams.
- 100 feet from the edge of any wetland.
- 100 feet from any other Significant Ecological Area.
- 300 feet from the top of bank of perennial streams and rivers, and other water bodies, and edge of vernal pools or designated critical habitat or as permitted or required by federal or state regulatory agencies.

Conservation – Policy #25

Resource Conservation and Mitigation Program – A Resource Conservation and Mitigation Program and implementing ordinance shall be prepared to establish programs and procedures for the County to utilize in maximizing protection of the County's open space resources. The Program shall include, but not be limited to: model cooperative agreements with non-profit trusts, open space and conservation easement agreements, open space and habitat dedication agreements, purchase of development rights program, use of land banking for open space protection,

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establishment of open space and habitat mitigation fees and public measures for open space funding, among other measures.

Conservation – Policy #26

Biological Survey – New development activities or land disturbance that may adversely impact any SEA shall require preparation of a detailed biological survey. The survey shall specify any SEAs on the project site and make specific recommendations for avoidance of these resources. Where avoidance is not feasible, mitigation measures shall be recommended based on Conservation Policy #23.

Conservation – Policy #27

Landmark Trees and Protected Trees – Landmark and Protected trees of all species shall be preserved and protected as significant features of Monterey County’s natural heritage.

Conservation – Policy #28

Hazardous Trees – Hazardous trees are trees that are diseased, injured, or in danger of falling and damaging an existing structure, or that create an unsafe vision clearance for an existing roadway, or that are likely to promote the spread of harmful insects or disease. In the case of an emergency caused by a hazardous tree, when immediate action for the safety or life or property is necessary, action may be taken to remove or relocate the tree or otherwise reduce the risk to an acceptable level (e.g. pruning), without complying with tree removal permit requirements, except that such action shall be reported by the person responsible for the hazard abatement to the Director of the County Planning and Building Inspection Department within ten (10) working days after the action has been taken.

Conservation – Policy #29

Diseases To Native Vegetation – The County shall support programs and scientific strategies to control the spread of Pine Pitch Canker, Sudden Oak Death syndrome and any other diseases that threaten native vegetation in Monterey County

Conservation – Policy #30

Invasive Exotic and Noxious Plants – The County shall prohibit the use of invasive plant species in landscape planting in new development projects, and shall work with the Multi-Agency Weed Management Task Force and landowners to remove and prevent the spread of noxious weeds. Invasive plants are those plants listed in the State’s Noxious Weed List and the California Exotic Pest Plant Council’s list of Ecological Pest Plants.

Conservation – Policy #31

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Integrated Weed and Pest Management – The County shall require the use of long-term, state of the art, integrated approach to eradicate, suppress or contain weed and pest infestation within the County where feasible.

Conservation – Policy #32

Landscape Requirements – Native and native-compatible drought resistant species shall be utilized to the maximum extent feasible in all landscaping requiring a discretionary permit. County review of landscape plans shall be made by a California registered landscape architect familiar with Monterey County native drought tolerant plants.

Conservation – Policy #33

Riparian and Wetland Habitat – The County shall comply with state and federal regulations to maintain floodplains, rivers, streams, and other water courses to sustain native fish and wildlife habitats, and preserve riparian and wetlands habitat and natural vegetation. Where development impacts cannot be avoided, mitigation measures shall be imposed to offset impacts of the development, and such measures shall result in a minimum standard of no net loss to resources. Mitigation measures to offset impacts of the development shall be developed through coordination and agreement with state and federal agencies having jurisdiction.

Conservation – Policy #34

Commercial Timber Harvesting – Commercial harvesting of timber species shall be carried out pursuant to the Forest Practices Act of 1973, as amended, and the Forest Practice Rules adopted by the Board of Forestry, which include rules for Coastal Commission Special Treatment Areas designated by the Act. To the extent permitted by State law, timber harvesting shall be undertaken in conformance with this General Plan.

Conservation – Policy #35

County Review of Timber Harvest Plans – The County shall review timber harvest plans (THPs) for environmental impacts and consistency with the policies of this General Plan in order to provide comment to and participate in the review process for THPs.

Conservation – Policy #36

Timber Harvest Plans – The County shall encourage timber harvest plans to use sound forest management, and best practices and principles to protect the natural ecosystem, in accordance with all applicable federal and state laws.

Conservation – Policy #37

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Timber Harvest Limits – Any timber harvest in a watershed which provides domestic water downstream of the proposed harvest shall be limited to removal of no more than fifteen percent (15%) of the total merchantable timber in any ten year period.

Conservation – Policy #38

Access – Existing roads shall be used for salvage or selective logging.

Conservation – Goal #7

PROTECT AND CONSERVE THE QUALITY OF THE COAST, OCEAN AND MARINE ENVIRONMENT.

Conservation – Policy #39

Water Pollution – In accordance with federal and state water quality requirements, the County shall protect, maintain and preserve salt and freshwater marshes, tide pools, wetlands, and waterways that drain into the Monterey Bay National Marine Sanctuary.

Conservation – Policy #40

Alteration of Natural Shoreline Processes – Alteration of natural shoreline processes, including drainage, erosion, water circulation and sand transport, shall be permitted only for the following purposes:

- a. To protect public beaches or existing significant structures, including a primary residence, road or other facility usable to the public;
- b. To serve coastal dependent development; or
- c. To restore and enhance environmentally sensitive habitat.
- d. Any alteration shall be limited to the most minor alteration necessary.

Conservation – Policy #41

Alteration of Wetlands Habitat – In order to protect wetlands habitat, which is particularly threatened, no diking, dredging, or filling of any wetlands habitat shall be permitted except when an area of new wetlands habitat is created, in a manner which enhances overall biological productivity, and the new area created is equal to at least 150% of the area of wetlands habitat that is altered. The creation of the new

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wetlands habitat must be completed and be deemed successful prior to the alteration of the existing wetlands habitat.

Conservation – Policy #42

Revetments, Groins, Seawalls, or Retaining Walls – Revetments, Groins, Seawalls, or Retaining Walls and other such construction that alters natural shoreline processes may be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts to the shoreline and sand supply. These structures shall not impede lateral access and shall respect the natural landform and visual appearance of the shoreline, and shall be designed by a Coastal Engineer or Registered Engineering Geologist with expertise in coastal processes. Retreat strategies shall be required where feasible. Appropriate mitigation fees shall be paid prior to construction of the structures, based on fair market value for acquiring nearby beach property for sale.

Conservation – Policy #43

Public Access to the Shoreline – Public access to the shoreline shall be provided in accordance with state-approved Local Coastal Programs.

Conservation – Policy #44

Watershed Planning – The County will participate in the preparation of management plans for all major river basins and require adherence to the best watershed planning principles, including stream setbacks, stream flow maintenance, maintenance of safe and good water quality, protection of natural vegetation along streams and control of grading to avoid erosion and sedimentation. The County shall support protection of critical ecological processes including watershed hydrology, wildfire (through prescribed burning and other safe methods) and protection of regional wildlife movement corridors.

Conservation – Policy #45

Aquaculture – Aquaculture shall be limited to those activities that conform to all policies of this General Plan.

Conservation – Goal #8

PROTECT AND ENHANCE THE AIR QUALITY OF MONTEREY COUNTY.

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Conservation – Policy #46

Air Quality – The County shall protect and enhance the air quality of Monterey County by directing new urban development to existing cities and Community Areas where such development can be compact, mixed-use, walkable, and will reduce reliance on the automobile.

Conservation – Policy #47

Roadside Tree Program – The County shall develop and implement a roadside tree program within Community Areas to encourage and maintain vegetated/forested areas for their air purifying functions. Redevelopment and Community Plans for Community Areas shall incorporate this requirement.

Conservation – Policy #48

Air Quality Plans – The County shall require that all new development be consistent with the Air Quality Management Plan for the Monterey Bay Region.

Conservation – Policy #49

Best Available Control Technology – The County shall require all new development to use Best Available Control Technology to reduce air pollution emissions within industrial and commercial facilities, as defined in the most current Monterey Bay Unified Air Pollution Control District rules and regulations.

Conservation – Policy #50

Industrial Facilities – The County shall require that any particulate fallout from industrial facilities be mitigated to the satisfaction of the Monterey Bay Unified Air Pollution Control District as a condition for any permit for facility upgrading, expansion or modification.