



COUNTY OF SAN BENITO  
**PLANNING & BUILDING INSPECTION SERVICES**

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TO: Members of the General Plan Advisory Committee  
FROM: Michael Kelly, Associate Planner  
DATE: June 3, 2010  
RE: **Open Space and Conservation Element Policy Review Subcommittee Recommendations**

At subcommittee meetings during April and May, Committee members Brunnemann, Gatto, Moore, and Schneider reviewed the goals, objectives, policies, and actions of the General Plan Open Space and Conservation Element.

The subcommittee recommends reorganizing the Element such that each policy would fall under one of four goals:

- ◆ Goal 1: To provide for protection, compatible enjoyment, and productive use of the County's natural resources, including air, water, land, minerals, plant and animal communities, scenic vistas, and human resources. (*Policies 1–11, 13, 15, 17–23, 29–36, 52–54*)
- ◆ Goal 2: To preserve, protect, and support agriculture. (*Policies 24–28*)
- ◆ Goal 3: To discourage development in environmentally hazardous areas. (*Policies 37–44*)
- ◆ Goal 4: To provide and sustain a well-balanced and health-enhancing system of recreational facilities and opportunities for County residents and visitors. (*Policies 45–51, 55, 56*)

The subcommittee further recommends the below regarding existing policies. Items for which the subcommittee requests deeper discussion by the full Committee are marked by the symbol ►. (Each action item is associated with the policy listed above it, and each objective is associated with the goal listed above it. Items that were not recommended for changes are not listed.)

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| Goal 1   | PRESERVATION OF NATURAL RESOURCES.<br>1. To preserve natural wildlife habitats, including environmentally significant areas.<br>2. The protection and preservation of natural resources in the County, including prime agricultural areas, significant mineral lands, plant and animal life with emphasis on threatened or endangered species, habitat for fish and wildlife, watersheds, wetlands and rivers. | Merge existing Goal 1 and existing Goal 3 into a new Goal 1 to preserve and use natural resources. Add Objective 12: "Cooperate with migratory bird and raptor conservation programs."      |
| Obj 3    | Develop and implement habitat conservation plan (HPC) for listed and candidate species in San Benito County.   | Rephrase: "Conserve habitat for threatened and endangered species, and other species of concern."   |
| Obj 9    | Avoid permitting development around naturally occurring ponds in the North County in riparian corridors and in other specialized habitats.   | Rephrase: "Avoid permitting development around naturally occurring ponds, riparian corridors, and other specialized habitats."  |
| Policy 1 | Major subdivisions or intense development shall not be allowed within potential habitat of Federal or State listed rare, threatened, or endangered plant or animal species until said development(s) prepares habitat plans for the species until an interim measure has been taken to mitigate the effect of the development.   | Rephrase: "Development shall not be allowed within habitat of Federal or State listed rare, threatened, or endangered plant or animal species without adequate mitigation or habitat plan." |

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| Policy 5  | Stimulate regeneration of oak woodland communities. Through a combination of the habitat conservation plan, inter-agency coordination, and development review procedures, the County will promote the restoration, restocking, and protection of oak woodland habitat on public and private lands in the County.   | Given that active planting of oak seedlings and trees is taking place, replace "restocking" with the word "replanting."   |
| Action 1  | Coordinate with neighboring counties where oak hardwood communities intermingle to inventory resources, educate private and public landowners, and develop programs for regeneration and maintenance of these significant plan communities.  | Rephrase: "Coordinate with neighboring counties, governments, and non-government agencies, where oak hardwood..."   |
| Action 2  | Development near oak woodlands shall be clustered to avoid, where technically or economically practical, the loss of trees, and transitional buffers shall be developed to help maintain viable ecosystems. Where removal of trees cannot be avoided, a mitigation plan shall be developed for tree replacement on- or off-site.   | Rephrase: "Development near oak woodlands shall be clustered to avoid the loss of trees, and transitional buffers..."   |
| Policy 6  | Exotic plants and animals. It is the policy of the County to work with State, Federal, and local agencies and landowners to develop programs to reduce the destruction of plant and animal life and habitat caused by invasive plants and animals.   | This policy needs an action item.   |
| Policy 7  | Grading, erosion, and native tree removal. It is the policy of the County to minimize erosion resulting from grading and cutting and native tree removal for all development proposals.  | This policy's action item should be to revise/develop a grading ordinance, and existing Actions 1 through 4 should be made a part of the ordinance if they are not already.                         |
| Action 4  | Continue to compile information on water bodies that have limited information including but not limited to Tequisquita Slough, Clear Creek, Laguna Creek, and Tres Pinos Creek.  | Remove.   |
| Action 5  | Proposals that include parking for 50 or more cars shall be required to install and maintain oil/grease separators in storm drain systems and include annual maintenance of separators and a sweeping program for the lot.   | If this requirement has been written into a County ordinance, remove.   |
| Policy 10 | Air quality. The County recognizes air and a natural resource and will strive to maintain air quality through proper land use planning. It shall be the County's policy to utilize land use and transportation controls for the protection and enhancement of air quality. Finally, it will be the County's policy to review public and private development proposal in light of possible recreational and open space potential. | Replace the third sentence ("Finally...") with the following: "It will be the County's policy to encourage the inclusion of recreation and open space in public and private development proposals." |
| Action 1  | The County, by resolution, will establish a policy of urban concentration for the protection of air quality. The resolution should specifically discourage the development of commercial and residential areas outside of urban centers, other than those defined in the Land Use Element, in order to reduce the impacts of air pollution caused by commuting and shopping.   | Remove and give to the Board of Supervisors for action.   |
| Policy 11 | Open Space zoning. It will be the County's continuing policy to enact a series of zoning ordinances designed to protect the natural resources of San Benito County.  | Add Action 3, to establish a TDC ordinance for the County.  |
| Action 1  | Periodically review existing ordinances for flood plain management, agricultural preserves No. 526, Habitat Conservation Plan No. 541, Well standards Nos. 561, 563, 564, Quarry Ordinance 573, and Right -to-Farm No. 576.  | Review Action Item 1 and see if ordinances are viable.  |
| Goal 2    | To encourage the orderly development of identified concentrations within the County, utilizing the infilling of existing developed areas and communities, along with an orderly and efficient development plan for public and private services (water and sewer districts).  | Move from this Element to the Land Use Element.   |
| Policy 12 | Direct development to urban areas. It will be the County's policy to apply land use controls to ensure that only non-urban uses are located beyond Sphere's of Influence and Urban Reserve Areas, except for specific areas designated Rural/Urban, Area of Special Study, Residential Commercial, or Industrial on the General Plan Land Use Map.   | Policy 16 is recommended to be merged into Policy 12.   |
| Action 3  | Development proposals will need to be consistent with policy 17, action a of the Land Use Element [promoting Urban Service Areas for incorporated San Juan Bautista and Hollister].  | Remove.   |

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| Policy 13   | It will be the County's policy to require specific plans for small, large, new, or expanding communities that are not incorporated which would clearly identify centers of urban growth and land uses within these area.   | Move to the Land Use Element.  |
| Policy 16   | Open space around cities. It is the County's policy to preserve a rural atmosphere by directing population growth and public service extensions to infill development and avoid leapfrog growth.   | As part of the open space concept, merge with Policy 12.   |
| Policy 17   | Ridgeline development. To preserve the rural character of the area, new development shall be directed away from the horizon through the use of building envelopes and integration of building architecture into the contour of the horizon   |  |
| Action 1    | Adopt a Ridgeline Ordinance  | Update to reflect the ordinance's status.  |
| ► Policy 18 | Protect rural atmosphere and natural resources. General Plan Amendments, Specific Plans, Area Plans, and Area of Special Study that result in a net increase in general plan buildout (Table 1 of the Land Use Element), shall include methods to conserve open space for natural resources including agriculture, wildlife habitat, and water (e.g. conservation easements and/or other similar resource protection measures). Proposed development areas shall also include measures to protect resources on-site and contiguous to the project with the use of clustering, conservation easements, and other similar programs.  | Keep as written, but revisit later. The subcommittee also wishes to acknowledge the need for OS trails to join OS tracts. This can be a policy statement in Parks and Recreation category. The subcommittee is very interested in a discussion about "connecting" land locked parcels, e.g., BLM lands that cannot be reached by the public. The same can be said for using trails to connect OS tracts. |
|             | GOALS, OBJECTIVES, AND POLICIES FOR THE MANAGED PRODUCTION OF RESOURCES [p. 14]  | Omit this heading in favor of the subcommittee's recommended four goals/categories. Refrain from using the expression "managed production."  |
| Goal 3      | Natural Resources. To provide for the conservation, development, and utilization of natural resources, including water and its hydraulic force, water quality, forests, soils, rivers and other waters, fisheries, wildlife, minerals, energy and other natural resources.   | Merge existing Goal 1 and existing Goal 3 into a new Goal 1 to preserve and use natural resources.   |
| Obj 18      | To develop programs for recycling of renewable resources and the conservation of natural resources (water, gas, electricity, fuel, refuse).  | Rephrase to read: "To develop, promote and maintain programs for recycling..."   |
| Policy 19   | Natural resources protection. The County recognizes the need for both conservation and development of natural resources, and recognizes that the utilization of these natural resources, if not properly managed, can lead to their loss. It will be the County's policy to protect, wherever possible, watersheds, creeks, and rivers, soil, and mineral resources through the enactment of appropriate legislative vehicles.<br>The County further recognizes the inherent conflict between the development and utilization of some natural resources (e.g. minerals, agriculture) and the urban or suburban development of surrounding properties. Therefore, the development of land near potential or natural resources will be reviewed by the County for its possible compatibility with the extraction, removal, processing, or other utilization of that natural resource. Conversely, applications for the development of mineral extraction or other natural resources will be reviewed for their compatibility with existing and planned uses on surrounding properties. | Rewrite to state in simpler, more readable terms.  |
| Policy 22   | Reclamation for mining. Require mining operators to implement reclamation programs to restore land for alternative uses consistent with the General Plan Land Use Map, policies for wildlife, flood, and erosion, and the Surface Mining and Reclamation Act of 1975 with amendments.  | With health, life, and safety in mind, insert a fourth action item directing the County to investigate means and methods, including incentive-based methods, to help landowners and the County reclaim abandoned mines that predate regulatory control for contemporary reclamation.   |
| Policy 23   | Avoid land use conflicts. The County policy should be to assign compatible land uses adjacent to agricultural lands and selected mineral resource lands to ensure their protection. The County should encourage the use of the Williamson Act, as well as agricultural zoning and other legislative means to preserve large agricultural open space areas.   |  |

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| ▶ Action 1  | The County should strive to stabilize values in areas that are not expected to be used for urban development in the near future and are presently in agricultural or mineral use through proper land planning.   | GPAC should discuss the intent of this action.  |
| Goal 4      | To preserve large forms of open space areas, such as agricultural land and outdoor recreation areas, in order to serve as a means of delineating the urban/rural boundary.   | Merge into new Goal 2 on agriculture.   |
| Obj 1       | To establish agricultural areas through a combination of the Williamson Act through the use of County agricultural and zoning districts.   | Possible rephrase: "To establish agricultural areas through a combination of the Williamson Act and the use of County agricultural zoning districts." |
| Policy 24   | Floodplain and agricultural areas. Where there is a coincidence of high agricultural productivity and 100-year flood plain/groundwater recharge area the land should be retained in agriculture to serve dual open space functions.  |   |
| Goal 5      | To protect and preserve the agricultural identity of the County.   | Merge into new Goal 2 on agriculture.   |
| Policy 25   | Legislative methods to protect agriculture and rural identity. It is the County's policy to use the Williamson Act, agricultural zoning, and legislative means, where appropriate, to preserve agricultural resources, maintain a rural identity, and to define and shape the urban form. Residential growth should be directed to where services are already provided and to the least productive agricultural lands.   | As it appears redundant, merge with Policy 23.  |
| Goal 6      | Agricultural Resources. To continue agriculture as an industry in the County and to preserve present agricultural resources for future generations.  | Merge into new Goal 2 on agriculture.   |
| Obj 1       | To encourage and protect agriculture as a viable industry in the County.   | Include as an objective under new Goal 2.   |
| Obj 2       | To provide financial incentives to protect the most productive soils resources.  | Discuss in the context of transferable development credits (TDC).   |
| ▶ Obj 3     | Stabilize land values for persons interested in purchasing agricultural land while providing economic incentives to land owners to avoid conversion of row crop and orchard land.  | Discuss the County's role, if any, in setting land values.  |
| Policy 27   | Options for estate planning. It is the policy of the County to recognize that there are financial options to farmers/ranchers for estate planning purposes such as land trusts.  | Keep as it is, but research will be needed on whether this continues to reflect current issues.   |
| ▶ Policy 28 | Maintain viable sizes for agriculture. It shall be the policy of the County to assure that units of land which are suitable for agricultural purposes are maintained.  | A major policy concern, this should be discussed by the full GPAC.  |
| Action 1    | In areas of Agricultural zoning, the County will establish minimum lot sizes appropriate to the land use and the soil resources.   |   |
| Action 2    | Discourage the subdivision of agricultural lands suitable for the production of fruit, nut and row crops to parcel sizes that are ineligible for inclusion in the Williamson Act contracts.  |   |
| Action 3    | Discourage the formation or revisions to spheres-of-influence on agricultural lands suitable for the production of row, fruit, or nut crops.   |   |
| Policy 29   | Energy conservation. It will be the County's policy to encourage the use of energy-efficient design in new construction.   | Include under new Goal 1.   |
| Policy 30   | Water quality from development. It is the policy of the County to require development projects that could contribute to the contamination and/or degradation of groundwater quality to be redesigned to avoid significant impacts.   | Include policy and its actions under new Goal 1. Change "redesigned" to "designed."   |
| Policy 31   | Wastewater treatment. Wastewater treatment systems shall be designed to ensure the long-term protection of groundwater resources in San Benito County. Septic systems shall be limited to areas where sewer services are not available and where it can be demonstrated that septic systems will not contaminate groundwater. Every effort should be made in developing and existing developed areas to reduce the use of septic systems in favor of domestic wastewater treatment. Domestic wastewater treatment systems shall be required to use tertiary wastewater treatment as defined by Title 22. | Include under new Goal 1. Discourage salt-activated residential water softeners.  |

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| Policy 32 | Groundwater studies for new development. To prevent overdrafting in San Benito County, a groundwater development plan shall be required for appropriate new development proposals.   | Include under new Goal 1.  |
| Policy 33 | Water conservation. To ensure more efficient use of groundwater resources it will be the policy of the County to require conservation of water resources in San Benito County and encourage inter-agency conservation to develop policies and programs for the protection and enhancement habitat for fish on major tributaries to the Pajaro River (San Benito River, Pacheco Creek).   | Include under new Goal 1. Encourage building methods that support "Low Impact Development;" such as design that maximizes on-site recharge of the water table.   |
| Policy 34 | Evidence water quality and quantity for development. Approval of new developments shall not be allowed without evidence of adequate water quality and quantity.  | Include under new Goal 1.  |
|           | WASTE SOURCE REDUCTION AND RECYCLING OBJECTIVES [p. 21]  | County policy should continue the effort of reducing waste source and improving recycling objectives. Rewrite objectives to revise any schedule and correlate with any new policies or laws.   |
| Policy 35 | Hazardous waste and waste source reduction. It is the policy of the County to implement the short-, mid-, and long-range goals and objectives outlined in the County of San Benito Final Source Reduction and Recycling Element and Household Hazardous Waste Element of 1992 or any future amendments.  | Include under new Goal 1.  |
| Policy 36 | Hazardous waste management plan. It is the policy of the County to implement the goals and objectives and policies of the San Benito County Hazardous Waste Management Plan, Volume 1, July 1989.  | Include under new Goal 1.  |
| Goal 7    | Environmental Hazards. To discourage development in areas that are environmentally hazardous.  | Renumber Goal 7 as new Goal 3.   |
| Policy 39 | Restrict creation of new lots in hazardous areas. It is the policy of the County to prohibit new subdivisions or lot-line adjustments that will create new lots located entirely within the hazardous areas (slopes greater than or equal to 30%, 100-year flood plain, landslide/erosion hazard, fault zone).   |  |
| Action 3  | Newly created parcels shall include high landslide, unstable or erosive soils, 100-year flood plain, (adopted FEMA maps) fault and a 30% or greater slopes into open space conservation easements and new development shall be sited outside hazardous areas.  | Rephrase to improve grammar.   |
| Action 4  | Subdivisions and lot-line adjustments (that create new building sites) within or near hazardous areas shall be allowed provided that building sites for each new parcel have adequate access and lot location is consistent with policies 2 and 4 of the element.  | Change "shall" to "may." Remove "within or," and keep "near."  |
| Policy 42 | Flood hazard. One of the County's prime responsibilities is for the health, safety, and welfare of its citizens and property. Because the County recognizes the inherent dangers of construction or development within a flood prone area, it shall be the County's policy to discourage development within areas identified as potential flood hazard areas. Furthermore, it is the County's policy to protect and preserve the 100-year flood plain on the most recent adopted FEMA maps or other maps as wetland resources, watersheds, and tributaries as natural resources for water supply, groundwater recharge, riparian habitat and fishes. |  |
| Action 2  | If a parcel created before January 1994 is located entirely within the flood hazard area, one single-family residence will be allowed. Construction of a single-family residence shall be required to reduce the flow rate of storm water runoff to substantially that of pre-development levels and to provide necessary measures to avoid impacts to off-site properties pursuant to Ordinance 598 (flood plain).  | Possible revised language: "If a parcel created before January 1994 is located entirely within the flood hazard area, a maximum of one single-family residence will be allowed on that parcel. Construction of a single-family residence shall be required to reduce the flow rate of storm water runoff to substantially that of pre-development levels and to provide necessary measures to avoid impacts to off-site properties pursuant to Ordinance 598 (flood plain)." |

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| Action 3    | Creation of residential lots within the 100-year flood plain is considered a significant environmental impact and will require an environmental impact report (EIR)   | Possible revised language: "Creation of residential lots within the 100-year flood plain may be considered a significant environmental impact and may require an environmental impact report (EIR)."  |
| Goal 8      | RECREATION. Encourage private development of recreational facilities including, but not limited to, riding stables, golf courses, camping facilities, dude ranches and hunting clubs, and residential parks.  | Merge into new Goal 4.  |
| ▶ Policy 45 | Private recreation facilities. It will be the County's policy to utilize land use ordinances to encourage land owners to provide private recreational facilities and open space areas. It will also be the County's policy to allow for an economic return on land while it is being utilized as open space.  | The full GPAC should discuss this policy. The subcommittee believes this can lead to unappealing development adjacent to public lands and that, conversely, development adjoining public lands can bring activities that are not permissible on public land—which can be good. Does the County need to provide policy and ordinances that encourage private recreation facilities next to public lands? Are current ordinances and policy insufficient? |
| ▶ Action 4  | Require the development of private recreation facilities to serve clusters of unincorporated population (e.g. linear parks, open space, playgrounds) and communities with a ratio of five acres of recreation per 1000 persons.<br>a) Private recreational facilities shall be installed and maintained as a part of project improvements and the community service area. | Action Item 4 and 4a typify the subcommittee's concern of giving ordinance priority to private gated-communities. The subcommittee requests clarification on whether recreation facilities that are not open to general public should be included in the standard of 5 acres per 1,000 people.  |
| GOAL 9      | A well-balanced system of recreation recognizing the natural, recreational, cultural, and historical attributes inherent to San Benito County within existing Federal, State, and County parks and on private and Bureau of Land Management lands.  | Merge into new Goal 4. In reviewing former Goal 9's policies, the subcommittee recognizes a need to<br>a) make public land accessible via public trails and open space corridors or easements—e.g., dirt hiking trails to connect communities with public lands—and<br>b) develop as feasible a system of interconnected trails for walking, hiking, and cycling, possibly equestrian.  |
| Policy 46   | County and City bike plans. It will be the County's policy to require new development to provide easements for trails/bikeways identified in the City of Hollister Parks and Recreation Master Plan and to be consistent with the San Benito County Bike Plan.  | Keep, while recognizing the above considerations.   |
| ▶ Policy 47 | Parks master plan. Develop a County-wide parks master plan to identify long-range recreational needs of the County, potential trail corridors, and areas for potential recreational-tourist services/programs.  | The subcommittee requests the full Committee to address encouraging the use of non-building areas like fault zones and water courses for hiking, biking, and equestrian trails.   |
| Action 1    | Where feasible, the County will coordinate the development of regional parks in cooperation with Federal, State, and other counties as well as local agencies.  |   |
| Action 2    | Cooperate with Santa Clara and Monterey Counties to consider the pros and cons of connecting San Benito County to a regional trail system.  |   |
| Action 3    | Consider the relationship of San Benito County to the State-wide trail system.  |   |
| Policy 48   | Park funding. Provide the optimum level of cost-effectiveness and public use level at each park, recognizing that each facility has a different mission and a unique set of operating conditions associated with the natural or other available resources.  | The policy requires further explanation, including with regard to the difference between public and private parks and who pays for parkland.  |
| Action 1    | Require establishment of community service districts to finance the maintenance and operation of private or public parks created in conjunction with new development.   | The subcommittee believes this is not written well, compared with the writing of Policy 55 Action 1.  |

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| Policy 49 | While recognizing that rural residential development is often used to board horses, the ability of the County to finance the acquisition, maintenance, and liability associated with lengthy equestrian trails is expected to be limited. Therefore it is policy to promote the establishment and maintenance of private on-site walking/equestrian trails in rural residential areas to meet the needs of this type of land use. | The subcommittee notes that the County needs more parklands and trails than it can afford and that this policy appears to leverage private trails. However, the subcommittee feels this policy is unclear as to whether facilities encouraged by this policy would be open to public use or private use and also as to whether public funds like impact fees would go to private facilities. |
| Policy 50 | Historic structures. It shall be the policy of the County to preserve the historic character of the communities of Tres Pinos and New Idria.  | Add a separate action item for the "community" of New Idria that will suggest defining the historical town boundary, its environmental degradation (superfund qualifications), and potential for historic district status.   |
| Policy 51 | Compatibility with historic structures. It is the policy of the County to integrate architectural styles of new development with existing architecture (e.g. Saint Francis Retreat etc.) and to protect existing historic structures.   | Remove the reference to Saint Francis Retreat.   |
| Action 1  | Development proposals that would remove structures 100 years or older shall demonstrate why preservation of the structures and integration of the structures into concept plan is inappropriate.  | Merge Actions 1 and 3 to read: "Structures that are 100 years old or older will require evaluation development proposal with historical preservation analysis."  |
| Goal 10   | To change the quality of life for all citizens of San Benito County by the provision of adequate park and recreational facilities for the leisure needs of all age groups.  | Merge into Goal 4.   |
| Policy 55 | Recreation and open space provide for recreation. It shall be the County's policy to acquire, develop, operate, and maintain a comprehensive space system of open space land uses and recreational facilities to provide for the low-intensity trails, picnicking, informal sports, park benches, and active recreational needs (sports fields for youth and adult league play) of the County population.                         | Keep, but the subcommittee recommends including language on public health, with reference to the concept of the "Healthy Parks" initiative developed via the National Park Service and Bay Area parks.   |
| Action 1  | The County will use a variety of financing mechanisms to acquire and develop park, recreation, and other open space land uses consistent with growth in County population and the adopted land use policy of the County's General Plan.   | The subcommittee believes this is written well and compares it to Policy 48 Action 1, which the subcommittee feels is not written well.  |
| Policy 56 | Ratio of parks to population. Recreational facilities for existing and new development in the unincorporated areas of the County shall be provided to meet the needs of the population based on a ratio of five acres of park land per 1000 persons.  |  |
| Action 4  | Amend Ordinance 541 to provide credit for new development that dedicates lands and constructs on-site recreational facilities.  | Action 4 should specify public recreation facilities.  |