



# OPEN SPACE "ACTION PROGRAM"

Appendix #3

## Introduction

## Summary

The purposes of this section (appendix) of the GP are to explain the concepts and requirements of state law concerning the "open space" elements of local general plans and more specifically, how the County of Santa Clara's General Plan fulfills the requirement for an Open Space Element "Action Program." The background information sections which follow this introduction provide the basic context for the "action program," described in more detail afterwards.

To better enable users of the GP to see the totality of the County's approach to open space planning, this appendix compiles and summarizes the following aspects of the many chapters and sections of the Plan that address the subject:

1. key strategies and policies for open space preservation;
2. existing implementation measures being employed; and
3. recommended implementation measures the legislative body intends to pursue in implementing the strategies and policies of the General Plan.

The latter, #3, represents the "Action Program" as required and defined by state law. With this compilation, users of the Plan should also be able to better understand how each particular recommendation contained in the "Action Program" fits into the overall scheme of existing strategies and implementation.

## Background

### STATE LAW REQUIREMENTS FOR OPEN SPACE ELEMENTS

State law defines open space as any area of land or water that is essentially unimproved and devoted to one or more types of open space use(s), specifically including open space for:

- natural resource preservation (e.g. wildlife habitat);
- managed production of resources (e.g. prime soils, timber lands, or mineral deposits);
- outdoor recreation (e.g. historic areas, parks for beach and river access, trails); and
- public health and safety (active fault and landslide areas).

The requirements for open space elements established by the legislature reflect the vital importance the state has placed upon open space planning and preservation at the local government level. State law emphasizes the importance of open space preservation to the economy of the state. It furthermore asserts that premature and/or unnecessary conversion of open space land to urban uses is not in the public interest, and that in the face of continuing population growth pressures, local open space planning is of paramount importance to maintaining and enhancing California's overall quality of life (paraphrases Govt. Code sections 65561 and 65562).

Consequently, the open space elements of local general plans must not only contain strategies and policies for the preservation of open space (the "open space plan"), but also must contain as part of that plan an "action program," or set of implementation measures and recommendations specifically intended to carry out the general strategies and policies of the jurisdiction for open space preservation.



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### THE OPEN SPACE PLAN

The County's General Plan does not contain any one section or chapter titled "Open Space." However, the requirements of state law for the open space element are largely redundant to the content requirements for other elements, such as the "Safety Element," the "Conservation Element," and the "Land Use Element." Consequently in the County's General Plan, open space planning and preservation is primarily addressed within the following chapters: Growth & Development, Resource Conservation, Parks & Recreation, Health & Safety, and the Land Use Plan. (see Appendix 1)

### THE OPEN SPACE "ACTION PROGRAM"

State law requires that "Every local open space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open space plan." (Sect. 65564)

By the term "programs," the law refers generally to any of a variety of tools, mechanisms, ordinances, or other means for preserving land in open space uses and conserving natural resources. Only one specific type of program or implementing measure is expressly required by California state law—that every city and county enact and apply some type of open-space zoning law, such as exclusive agricultural zoning districts. The enactment of any other type of program or mechanism is discretionary on the part of the local government.

The next section describes in greater detail the general approaches to open space preservation the County of Santa Clara currently employs, referred to as general strategies, and a sample of the existing implementation measures within each strategy currently in use.

### Strategies, Policies and Implementation

#### Summary of Major Strategies and Policies Currently Employed in Preserving Open Space

The basic approaches and strategies for preserving open space lands currently employed by the County of Santa Clara consist of the following:

- Strategy #1: Continue Countywide Growth Management and "Joint Urban Development Policies"
- Strategy #2: Regulate Allowable Uses and Densities of Development
- Strategy #3: Provide Economic Incentives to Private Land Owners
- Strategy #4: Acquire Open Space for Parks, Wildlife Refuges, and Other Open Space Uses
- Strategy #5: Conduct Special Studies, Area Planning, and Assessment of Projects Under CEQA.

These are arranged in hierarchical order from the broadest strategies applicable on a countywide basis, such as the joint urban development policies of the cities, the County, and LAFCO, down to the types of measures that may apply only to a particular sub-area or individual development proposal administered under the County's regulatory jurisdiction.



#### Strategy #1: Continue Countywide Growth Management and "Joint Urban Development Policies"

Existing policies and related implementation measures under this strategy are intended to preserve open space through careful and deliberate management of urban growth and development, including:



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### **Strategy #5: Conduct Special Studies, Area Planning, and Assessment of Projects Under CEQA.**

Existing policies and related implementation measures under this strategy are intended to preserve open space through various special area plans, studies, and the environmental assessment of development projects of all kinds, including:

- the Open Space Preservation 2020 Task Force Report, 1987, a multi-jurisdictional, cooperative study of the open space preservation priorities of the County;
- special area studies and policies for environmentally sensitive lands, such as the Los Gatos Watershed, Upper Guadalupe Watershed Area of Critical Environmental Concern, New Almaden Historical Area;
- mapping of known natural hazard areas and natural resource areas, such as active landslides, and prime agricultural soils, respectively;
- environmental assessments and Impact Reports (EIRs) for development projects under the authority of CEQA, the California Environmental Quality Act; and
- requirements that development proposals involving intensification of land use in areas proposed as urban buffer or "greenbelt" areas by the South County Joint Area Plan offer dedication of open space as partial mitigation for development impacts.

For a fuller explanation of the strategies and policies pertaining to this aspect of open space preservation, refer to the Rural Unincorporated Growth & Development Chapter, Health & Safety Chapter, CEQA Guidelines, and South County Greenbelt Study, among other references.

### **Summary of "Action Program" Recommended Measures Incorporated To Augment Existing Strategies**

The following implementation recommendations are proposed for the purpose of augmenting existing implementation measures described in the previous section. They are arranged according to the general strategies outlined in the previous section. The recommendations are drawn from two sources, (1) those that have been approved as part of various chapters of the Plan by the General Plan Review Advisory Committee, and (2) recommendations contained in the Open Space Preservation 2020 Task Force report which directly relate to the former.

As such, this list of recommendations, once adopted by the Board of Supervisors, represents the "action program" of specific measures the County's Board of Supervisors intends to pursue in implementing the open space preservation strategies and policies of the General Plan.



### **Strategy #1: Continue Countywide Growth Management and "Joint Urban Development Policies"**

- 1.1 Joint studies and agreements with cities for establishing and maintaining "Long Term Urban Growth Boundaries" (UGBs).  
(C-GD (i) 5)



**Strategy #2:  
Regulate Allowable Uses and  
Densities of Development**

- 2.1 Undertake in full compliance with all legal requirements the rezoning of lands for which the zoning district is identified as inconsistent with the applicable General Plan Land Use designation. [R-LU(i) 1]
- 2.2 Review uses permitted within the "A, Exclusive Agriculture" zoning district for conformity with the range of allowable uses defined in the General Plan for areas designated "Agriculture." [R-LU(i) 2]
- 2.3 Establish an agricultural competitiveness task force to study and recommend ways of maintaining and enhancing the long term viability of agriculture. [R-RC(i) 30]
- 2.4 Setback requirements and performance standards necessary to protect riparian corridors and water resources should be devised regarding new development, including building setbacks, setbacks for sewerage and other pipelines, septic systems, roads and recreational trails, logging, and agricultural activities. The present regulations should be compared with these standards, and where necessary, revisions should be made to existing policies and regulations. [R-RC(i) 10]
- 2.5 Explore potential for a cooperative, educational, non-regulatory measures (e.g.: "Riparian Values Education Roundtable") to inform and encourage riparian area conservation. [R-RU(i) 9(b)]
- 2.6 Identify those areas of greatest sensitivity to visual impacts of development and apply design review requirements to development occurring within those areas (i.e., the "d" combining district), where not already required as a condition of building site approval. [Not to apply to areas designated Ranchlands east of Hwy. 101 for which building site approval is not currently required.] [R-RC(i) 38]



**Strategy #3:  
Provide Economic Incentives to  
Private Land Owners**

- 3.1 Utilize mapping and analysis capabilities of the County's Geographic Information System (GIS) to track and report upon Williamson Act contract non-renewal activity.
- 3.2 Evaluate the nature and potential effectiveness of incentives to encourage private landowners to take advantage of existing policies and regulations for clustering of development. [R-LU(i) 4]



**Strategy #4:  
Acquire Open Space for Parks,  
Wildlife Refuges, and Other  
Open Space**

- 4.1 Utilize Open Space 2020 acquisition guidelines and priorities in reviewing and revising the County's Regional Parks and Scenic Highways Plan, and in conjunction with the Open Space Authority's land acquisition planning, to maximize the effectiveness of acquisition expenditures. [see OS 2020, p. III-4, #3 and #4]
- 4.2 Identify ground water recharge and watershed lands of highest priority for possible open space acquisition. [see OS 2020, p. III-6, #6]



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### **Strategy #5: Conduct Special Studies, Area Planning, and Assessment of Projects Under CEQA.**

- 5.1 Explore and develop joint area studies, plans, and agreements for areas of mutual interest to multiple jurisdictions, such as South Ahmaden Valley and Hillside, hillside lands within SOI of the City of Cupertino, and others. (R-GD(i) 3 and 4; see also OS 2020, p. III-7, #10)
- 5.2 Explore funding for and development of Regional Habitat Conservation Plans (RHCPs) with interested jurisdictions and appropriate state and federal agencies. (CW-RC(i) 11-12)
- 5.3 Participation of the County with the Santa Clara Valley Water District, other affected governmental agencies, and rural area land owners in the District's "Comprehensive Reservoir Management Plan" program. (R-RC(i) 4)
- 5.4 Mapping and storage of spatial data regarding known natural hazards and critical resources on Geographic Information Systems technology to facilitate data maintenance and public dissemination of information (e.g. geologic hazard data, Farmland Mapping Program data, historical sites inventories, archeological and paleontological sites, etc.) (R-HS(i)-9, and various implementation recommendations from Resource Conservation and Health & Safety chapters)
- 5.5 Explore establishment of a viewshed protection program for 'Hillside' areas, utilizing the parcel consolidation and clustering incentive recommendations of Open Space 2020 as a basis for the program. (R-LU(i) 7)

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