

# Chapter XII. COASTAL AREAS ELEMENT

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***Comment:*** *The comments are included to explain some of the rationale for the recommended changes. The comments are intended to stay with these recommendations but not be included in final policy language.*

## Chapter XI. COASTAL AREAS ELEMENT

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### Part 1: Introduction

This introductory narrative is provided for background purposes only. It is not policy, and shall not be cited as policy or used to interpret or construe the policies of this plan.

Monterey County is blessed with some of the most spectacular coastline in the world. Stretching more than 140 miles in length, the coastal areas in Monterey County are composed of a diversity of habitats and scenic areas. The wetlands and lagoons, redwood and conifer forests, sand dunes, islets and rocky outcroppings, beaches, and tidelands as well as historic and architecturally unique communities and homes have made Monterey County renowned throughout the world.

The County has long recognized the important stewardship role it plays in protecting and enhancing these unique areas. With the preparation of this Element of the General Plan, special attention is focused on the coastal area to ensure the continued protection of fragile coastal resources, provision of public access to the shoreline, and protection of the marine environment and environmentally sensitive habitat areas as well as the character of coastal communities.

Prepared to constitute Monterey County's Land Use Plan portion of the Local Coastal Program (LCP) under the California Coastal Act (Public Resources Code Sections 30000 et seq.), the goals and policies contained within this Element rely on the long history of coastal planning in Monterey County. The coastal area, historically recognized as four planning areas – the North County Coastal Planning Area, the Del Monte Forest Planning Area, the unincorporated Carmel Coastal Planning Area, and the Big Sur Planning Area -- are included in this single, comprehensive Coastal Areas Element.

### Element Organization

The goals and policies in this Element are organized as follows:

- Part 2: Coastal-Wide
- Part 3: North County Coastal
- Part 4: Del Monte Forest
- Part 5: Carmel Coastal
- Part 6: Big Sur

***Comment:*** *The Refinement Group reviewed only those policies proposed for application throughout the Coastal Zone (coastal-wide policies). Individual area portions of the Plan were not reviewed.*

***The first and second drafts of the General Plan Update did not contain a coastal-wide section. The concept was first introduced in GPU-3. The Refinement Group takes no***

**position on whether or not the General Plan Update should include a coastal-wide section. This review was undertaken as part of our charge to refine the draft General Plan Update.**

While the policies in the countywide General Plan Elements (Chapters III through XI) apply to both the inland and Coastal Zone areas of Monterey County, the policies in this Coastal Areas Element apply only in the four coastal areas. This Element includes coastal-wide policies that apply in all segments of Monterey County's Coastal Zone, as well as specific policies for the four distinct coastal planning areas: North County Coastal, Del Monte Forest, Carmel Coastal, and Big Sur. Proposed development or other land use activities in the Coastal Zone must comply with all countywide policies of this Plan (unless superseded by a Coastal Element policy), all coastal-wide policies (in Part 2 of this Element), and the applicable area-specific policies (in Parts 3 through 6 of this Element).

**ORGANIZATION OF GOALS AND POLICIES**

The specific Monterey County countywide, coastal-wide, and coastal area policies proposed to implement each of the Coastal Act requirements are listed in Table CZ-1 below.

Table CZ-1

Table Deleted

**Comment:** *The deleted table should be reconstructed to include policies as modified by the Refinement Group.*

## Part 2: Coastal-Wide Goals and Policies

### Administration

#### **Goal CZ-1 – General Plan and Coastal Act Implementation**

*Within the Coastal Zone, ensure conformity with requirements of the Coastal Act.*

Policy CZ-1.1 **Conformance with General Plan and LCP Policies** - Land use activities and development projects within the Coastal Zone shall conform to applicable policies of the General Plan, the coastal-wide policies of this Coastal Element, and the area-specific policies.

Policy CZ-1.2 **Countywide Policies and Maps Included in LCP** – All countywide policies of the General Plan apply within the Coastal Zone. Countywide policies, maps and tables that are designated "LCP" also serve to implement the California Coastal Act and function as an integral part of Monterey County's Local Coastal Program (LCP) Land Use Plan.

Policy CZ-1.3 **Relationship of Coastal Policies to Countywide Policies** – Some subject matter may be addressed in the General Plan by more than one

policy, with more specific policies applying to specific Planning Areas and more general policies applying countywide or throughout the Coastal Zone. Where this occurs, the provisions of Land Use Element Policy [RG-]LU-12.3 shall apply.

Policy CZ-1.4 **Plan Amendments** - Amendments to the Coastal Areas Element of the General Plan shall be processed in accordance with the policies under Goal AD-2 in the Administration Element. For those portions of this Coastal Areas Element that constitute the County's Local Coastal Program (LCP) Land Use Plan, prepared under the California Coastal Act, any changes made must not be precluded by the Act. Following Board of Supervisor's approval of proposed amendments to the certified Local Coastal Program, amendments must be certified by the California Coastal Commission pursuant to requirements of the Coastal Act.

Policy CZ-1.5 **Development Permit Review** – A coastal development permit or a coastal administrative permit will be required from the County for development proposed on private or public lands in the Coastal Zone, except 1) minor remodels of existing structures, new accessory structures of a minor nature, replacement of structures destroyed by disaster, routine maintenance and repair, and other development exempt from coastal permit requirement pursuant to Public Resources Code Section 30610, or that have minimal to no impact on coastal resource protection, 2) developments exempted from coastal permit requirements by state or federal law, and 3) proposed development on excluded federal lands. Development on excluded federal lands shall be consistent with applicable Coastal policies to the extent consistency may be required by the federal Coastal Zone Management Act of 1972 as amended.

Coastal development permits for second units shall not require a public hearing, as permitted by Government Code section 65852.2(j).

Policy CZ-1.6 **Development Permit Appeals** – An action taken by the County on certain coastal development permits issued pursuant to the County's certified Local Coastal Program (LCP) may be appealed to the California Coastal Commission consistent with California Public Resources Code section 30603 as amended or its successor statute.

Policy CZ-1.7 **Parcels Split by Coastal Zone Boundary** – Parcels that are split by the Coastal Zone boundary shall comply with the Coastal Planning Area policies for that portion of the parcel within the Coastal Zone and the Inland Planning Area policies for that portion of the parcel outside of the Coastal Zone.

## Land Use

### **Goal CZ-2 – Land Use Priorities**

Recognize Coastal Act priorities for use of land within the Coastal Zone.

- Policy CZ-2.1      **Location of New Development** – Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.
- Policy CZ-2.2      **Public and Private Uses** – All development and use of land, whether public or private, shall conform to all applicable policies of this Plan and shall meet the same resource protection standards.
- Policy CZ-2.3      **Priority of Coastal-Dependent Uses** – When development is proposed for land on or near the shoreline, coastal-dependent developments shall have priority over other developments. Coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.
- Policy CZ-2.4      **Deleted**
- Comment: "Exceptions" to CZ-2.3 are not needed since the Coastal Act does not preclude any particular type of land use on or near the shoreline (rather, coastal-dependent and coastal-related uses are encouraged over other uses). Also, the policy conflicted with policy CZ-2.2 by proposing special treatment for public developments.***
- Policy CZ-2.5      **Public Services In the Coastal Zone** - New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the Coastal Act. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.
- Comment: The change is more consistent with the Coastal Act (e.g., Public Resources Code section 30254).***
- Policy CZ-2.6      **Low Cost Visitor-Serving Facilities** - Conversion of existing low cost visitor and recreation facilities to other uses should be discouraged and the County should encourage such low cost facilities where needed and appropriate.
- Comment: The change is more consistent with the Coastal Act (e.g., Public Resources Code section 30213).***
- Policy CZ-2.new      **Distribution of Public Facilities** - Where appropriate and feasible, public facilities shall be distributed so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

***Comment: This Coastal Act provision is needed to avoid adverse impacts from public overuse of an area (see Public Resources Code section 30212.5).***

Policy CZ-2.7 **Existing Road Access** – On slopes within scenic public viewsheds, residential, recreational, visitor-serving, and agricultural access shall be provided by existing roads and trails, where feasible.

Policy CZ-2.8 **New Road Access** - New roads will be considered only where it has been demonstrated that the use of existing roads or driveways is not feasible or that rights-of-way for use of a common road are demonstrated to be unobtainable.

New roads shall accommodate emergency vehicles, incorporate appropriate erosion control, minimize removal of native trees, and not involve massive grading or construction of protective devices that would substantially alter natural landforms, nor significantly harm any environmentally sensitive habitats except as provided in CZ-5.4. New private roads across slopes of 30 percent or greater shall not be allowed unless:

- a. No feasible alternative exists, or
- b. The proposed design of the road on balance better achieves the resource protection objectives of this Plan (e.g., see Policy CZ-5.4).

### **Goal CZ-3 – Coastal Public Access**

Provide a system of shoreline accessways from the nearest public road to the sea, consistent with requirements of the California Coastal Act.

***Comment: It is important to distinguish between shoreline access and trails. All reference to trails has been removed from Goal CZ-3 by the Refinement Group. The Coastal Act provides for public access to the shoreline from the nearest public road to the sea (e.g., Public Resources Code section 30212). The Act does not provide for trails (which can wander anywhere). Therefore, as modified by the Refinement Group, the coastal-wide section of the Plan addresses shoreline access, but leaves trail policies to the county-wide policies in Goal 9 in the Circulation Element (as modified by the Refinement Group).***

### **Shoreline Access**

Policy CZ-3.1 **Shoreline Access** – Where feasible and appropriate, and consistent with Public Resources Code section 30212 as amended, or its successor statute, shoreline access from the nearest public road shall be provided for public use, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Consistent with the foregoing, shoreline access shall be provided in accordance with the Public Access policies and the Site-Specific Shoreline Access maps and tables in Parts 3 through 6 of this Element, as well as coastal-wide Policies under this Goal 3.

Policy CZ-3.2      **Dedication of Shoreline Access Easements** – Where feasible and appropriate, existing major public shoreline accessways shall be permanently protected for long-term public use by purchase, voluntary donation, or by dedication as a permit condition where sufficient nexus and proportionality exist to lawfully support the requirement. Voluntary dedication of public shoreline access easements may be made by the property owner to the County or a responsible state or federal agency or a non-profit public interest group that agrees to be responsible for managing and maintaining the access. Where dedication is required as a permit condition, dedication shall be to a public agency that agrees to be responsible for managing and maintaining the access, unless the applicant voluntarily elects to dedicate to another entity that the County finds acceptable.

Shoreline access easements or offers thereof may be terminated when no longer needed, or when maintenance or supervision by the responsible agency is no longer conducted in a manner sufficient to avoid harm to persons, property or resources, or conflicts with nearby land use.

Policy CZ-3.3      **Protection of Private Property in Shoreline Access Areas** - In providing for shoreline accessways, the County seeks to ensure that the peace, privacy, safety, health and property of residents and property owners are not jeopardized by unmanaged, inappropriate, or irresponsible public use. The County and other public agencies shall cooperate with landowners to develop effective methods for directing public access to appropriate locations and for providing maintenance and supervision of shoreline accessways sufficient to avoid conflicts with surrounding private use of land.

Policy CZ-3.4      **Inappropriate Shoreline Access Areas** - Shoreline access shall be discouraged as inappropriate where it would be inconsistent with public safety, military security, the protection of fragile coastal resources, or where maintenance and supervision sufficient to avoid conflicts with use of nearby private use of land is not feasible. The County and other public agencies shall work cooperatively with landowners to develop effective methods to direct access to appropriate locations.

Policy CZ-3.5      **Shoreline Access in Residential Areas** – Where feasible and appropriate, shoreline access shall be provided through or adjacent to existing or new residential areas upon completion of a management plan that adequately resolves problems of noise, visual buffering, trespass, general maintenance, minimization of fire hazards, protection of private water supplies, parking and liability.

Policy CZ-3.6      **Shoreline Access in Agricultural Areas** – Shoreline accessways shall be located and designed to avoid conflicts with agricultural uses. Where shoreline accessways cross actively grazed areas or are located adjacent to crop lands, a range of measures including buffer strips, signs, fences, berms, vegetation screens, periodic closures and prescribed burning to eliminate hazardous accumulation of brush, shall be applied, as appropriate, to reduce conflicts to acceptable levels. Such measures must be consistent with applicable design criteria or other regulations for the coastal planning area, and shall be

implemented at the expense of the entity with responsibility for managing and maintaining the accessway.

Policy CZ-3.7 **Shoreline Access and Military Uses** – Access to the shoreline shall be provided, improved, and managed at military and government facilities where there are suitable destination areas, except in those cases where maximum military security is required. When high security requirements cease, access shall then be provided.

Policy CZ-3.8 **Shoreline Access in Environmentally Sensitive Habitat Areas** – Shoreline access in areas of environmentally sensitive habitats shall be limited to very-low-intensity recreational, scientific, or educational uses. If access is permitted, it shall be controlled and confined to designated accessways using methods consistent with the character of the area. No access shall be approved which results in significant disruption of the habitat or which would require improvements that are out of character with the area to confine access to appropriate locations. In locations where highly sensitive plant or wildlife habitats are found and conflicts between habitat protection and shoreline access cannot be adequately resolved, shoreline access will not be permitted. Plans to improve existing shoreline accessways shall ensure as a condition of approval that environmentally sensitive habitats are protected from over-use. Shoreline access to or through environmentally sensitive marine habitats, including rookeries, roosting and haul-out sites, intertidal areas and kelp beds, may be restricted, consistent with the site-specific shoreline access recommendations for these areas.

Policy CZ-3.9 **Shoreline Access Through Dunes, Estuaries And Wetlands** - When not in conflict with other policies of this Plan or with the character of the area, and where appropriate and feasible, where existing major shoreline access routes pass through sand dunes, estuaries or wetlands, boardwalks or other appropriate pathways constructed of permeable materials should be provided to protect the resource. New shoreline accessways through such areas should be avoided.

***Comment: First sentence did not belong under this goal as it is not on point to Shoreline Access. Remainder of policy was changed to clearly protect the listed resources from degradation due to access.***

Policy CZ-3.10 **Public Safety and Shoreline Access** – Public safety shall be considered wherever shoreline access is provided or proposed. Where feasible and appropriate and not in conflict with other Plan policies or the character of the area, shoreline accessway improvements may be provided to improve safety. In hazardous areas where safe physical access to the shoreline is not feasible, visual access by viewing the shoreline or ocean from the nearest public road to the sea shall be acceptable as satisfying the access needs of the public.

## **Shoreline Accessway Management Plans**

Policy CZ-3.11 **Shoreline Accessway Management Plans and Permits** - The provision of new shoreline accessways, or formalization of existing shoreline

accessways, shall require a coastal development permit or coastal administrative permit and shall be guided by detailed management plans prepared by the agency or entity agreeing to be responsible for improving, managing and maintaining the accessway. No right for shoreline access shall be required as a permit condition unless prior to acceptance of the right a Shoreline Accessway Management Plan is approved, and a public agency agrees to be responsible for maintaining and supervising the accessway in accordance with the Shoreline Accessway Management Plan prepared for the accessway. Shoreline Accessway Management Plans, to the extent feasible, shall incorporate ideas and desires of the owner of the property through which the accessway passes, with regard to location, maintenance and supervision of the accessway to avoid conflicts with other uses of the property through which the accessway passes. To the extent feasible, Shoreline Accessway Management Plans shall also incorporate community ideas and desires with regard to preservation of the coast's natural resources. The County shall work closely with the local Land Use Advisory Committee and other agencies in planning for the provision and management of each accessway. Funding and ongoing implementation of the management plans for existing shoreline accessways in an area shall precede the opening of new accessways or intensified use of existing accessways.

Policy CZ-3.12

**Shoreline Accessway Management Plan Components** – Shoreline Accessway Management Plans shall be prepared by the agency or entity to be responsible for the accessway, and approved by the County prior to improvement of existing accessways or intensification of their use, or provision of new accessways. In the case of accessways required as a permit condition, the Shoreline Accessway Management Plan shall be completed by the pertinent agency before the applicant will be required to dedicate the accessway. In such case, the permit condition shall provide a reasonable time within which the Shoreline Accessway Management Plan must be completed, and shall further provide that if the Shoreline Accessway Management Plan is not completed within such timeframe, the shoreline access condition shall terminate. Shoreline Accessway Management Plans shall be coordinated, where applicable, with the improvement and management of shoreline destination areas or recreation areas. Shoreline Accessway Management Plans shall address the following points as well as the site-specific shoreline access recommendations identified in the tables and maps in Parts 3 through 6, consistent with the resource protection policies of this Plan:

- a. Types of uses to be encouraged, allowed, discouraged, and prohibited, consistent with the protection of coastal resources, agriculture, protection of private property, and other considerations;
- b. Need for restrictions on the number of visitors, restricted hours and seasonal restrictions, if any;
- c. Improvements needed for safe access, if any;
- d. Adequacy of capacity and safety of parking;
- e. Funding and personnel dedicated to maintaining and supervising the accessway, sufficient to address issues such as erosion, adverse impacts on habitat, trash, vandalism, and fire.

- f. For accessways that cross private property, a provision that the shoreline access easement shall terminate if the responsible agency fails to adequately maintain and supervise the accessway sufficient to avoid harm to persons, property or resources, or significant interference with use of the private land.

Policy CZ-3.13 **Shoreline Access Management Controls** - The managing agency shall limit the level of public access to that which can be adequately managed and controlled consistent with the objectives of an approved Shoreline Accessway Management Plan, or consistent with the levels of impact that can be sustained by the natural resources of the site without damage over the long-term. This may require reductions in current levels of access at some locations.

Policy CZ-3.14 **Deleted**

***Comment: Public Resources Code section 30212 contemplates shoreline access from the nearest public road to the sea. The legislature included no parking requirements and it is reasonable to assume that parking is presumptively on the public road. It seems contrary to Coastal Act protections to assume development of parking facilities as part of providing accessways.***

Policy CZ-3.15 **Shoreline Access Improvements** – Shoreline accessway improvements shall be compatible with the character of the area and the natural scenic environment and shall be limited to those necessary to ensure public safety, protect natural resources, and minimize land use conflicts.

Policy CZ-3.16 **Deleted**

***Comment: The policy was not a shoreline access policy.***

Policy CZ-3.17 **Protection of Water Supplies from Shoreline Access** - Private water supplies shall be protected by locating shoreline access at an appropriate distance from surface, spring, and well water sources based on consultation with County health officials.

Policy CZ-3.18 **Shoreline Access for People with Disabilities** – Consistent with other policies of this Plan, in areas where the topography and character of the natural environment permits, Shoreline Accessway Management Plans shall provide for the disabled by building paths and ramps for wheelchairs if this can be done without significant alterations to major landforms or damage to sensitive habitats.

Policy CZ-3.19 **Shoreline Access Signage** – A uniform system of signs that identify shoreline accessways and areas where shoreline access is hazardous or restricted should be provided by the appropriate managing agency. Natural or visually compatible materials should be used and signs should be compatible with the scenic quality of the area. All unimproved accessways

available to the public should have signs posted regarding possible safety risks. Hazardous areas that are closed to the public should be appropriately signed to prohibit access.

**Trails Deleted**

***Comment: Trails are not required by the Coastal Act. The county-wide trail policies in Circulation element Goal C-9, as modified by the Refinement Group, should control trails in the coastal zone as well as the rest of the County.***

Policy CZ-3.20 Deleted

Policy CZ-3.21 Deleted

Policy CZ-3.22 Deleted

Policy CZ-3.23 Deleted

Policy CZ-3.24 Deleted

**Goal CZ-4 – Harbor Facilities**

Encourage the continued operation and orderly expansion of harbor facilities within the county that provides the needed support for recreational and commercial boaters, visitors and residents, consistent with the California Coastal Act.

Policy CZ-4.1 **Commercial Fishing and Recreational Boating** - Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Policy CZ-4.2 **Land Use Compatibility** - Land use activities in the immediate vicinity of harbors shall be compatible with continued recreational and commercial operations of the harbor, and likewise, plans for significant increases in harbor and adjacent activities shall address impacts on, and be compatible with, land-based activities and transportation modes in the immediate vicinity.

Policy CZ-4.3 **Accessibility** - The expansion and improvement of access to harbor areas shall be encouraged to provide links to small vessel launching facilities, public docks, and other similar public water area uses.

Policy CZ-4.4 **Mooring Regulations** - The placement and number of permanent moorings shall be regulated to ensure safe and protected anchorages for the

maximum number of vessels, especially during seasons of heavy fishing activity.

Policy CZ-4.5 **Water Transit** - Water-based public transportation shall be encouraged at County harbor facilities to offer access to visitor destinations, including cross-bay service to Santa Cruz, and to supplement options on the multimodal transportation network.

Policy CZ-4.6 **Maritime Emergency Support Services** - The County shall encourage the U.S. Coast Guard and other emergency response units to continue to provide emergency support services at County harbor facilities.

## Environmental Resources Management

### Goal CZ-5 - Environmentally Sensitive Habitat Areas (ESHA) and Forest Resources

Preserve and protect environmentally sensitive habitat areas and forest resources.

Policy CZ-5.1 **ESHA Protection** – Environmentally Sensitive Habitat Areas (ESHA) shall be protected against significant adverse impacts.

Policy CZ-5.2 **Monterey County ESHAs** – In Monterey County, the following habitat types are defined as Environmentally Sensitive Habitat Areas (ESHA):

- Habitat designated as Critical Habitat.
- Habitat designated as ESHA in an area section of this Plan, for the planning area in which it is designated
- Coastal wetlands including salt marshes, lagoons, sloughs and estuaries
- Elkhorn Highlands in North County Coastal area (Map NCC-2B)
- Coastal sand dunes

Policy CZ-5.3 **State Water Quality Protection Areas** – The County supports the continued designation of the portion of Carmel Bay that is currently designated as a State Water Quality Protection Area by the State Water Resources Control Board.

***Comment: "Area of Special Biological Significance" is an obsolete term. Such are now termed "State Water Quality Protection Area" and protection is limited primarily to regulation of point source pollution (e.g., sewage plant outfalls) pursuant to Public Resources Code section 36700. The entire bay is not so designated (only a small portion).***

Policy CZ-5.4 **Development in Environmentally Sensitive Habitat Areas** – New essential

roads are permitted in environmentally sensitive habitat areas provided that in each case there is a finding that no feasible alternative exists, that significant environmental impacts will be mitigated, and that such uses are in conformance with all other Plan policies. Essential roads are those that are necessary to provide a minimum level of access to an existing parcel, where no feasible access road presently exists.

Development generally may be allowed in ESHA if impacts would not be significant. Development should be allowed in ESHA if the development is of a nature recognized as important by the Coastal Act or other state law, and impacts are unavoidable and are acceptable due to overriding considerations (e.g., as described in CEQA Guidelines section 15093).

Policy CZ-5.5 **Deleted**

Policy CZ-5.6 **Sand Dune Habitat** - Uses of the remnant native sand dune habitat shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource. Particular attention shall be given to protection of rare and endangered plants from trampling. Such uses must be consistent with restoration and enhancement of the habitat. Recreational access and associated facilities shall be directed away from dune habitats and focused on the beach area. All management agencies shall prohibit off-road vehicle use in dune areas.

Policy CZ-5.7 **Replacement Proportional to Mitigate Impacts** – Where development in environmentally sensitive habitat areas cannot be avoided, in-kind replacement of habitat in an amount proportional to the harm done to the ESHA by the development may be applied as mitigation. The County should generally not require more than a one to one ratio for in-kind mitigation.

## Forest Resources

Policy CZ-5.8 **Forest Conservation and Management Program for Public Lands**  
– A forest conservation and management program should be developed and implemented by the County and the State Department of Parks and Recreation, pending availability of funding, to maintain those Monterey pine and Coast redwood forest areas that are in public ownership. The management program should include, at a minimum, the following elements:

- a. The retention of snags for wildlife use
- b. Control of disease and pests
- c. Where applicable, measures to minimize alteration of drainage patterns as a result of new development
- d. Provision and regulation of public access and recreational use.

Policy CZ-5.9 **Deleted**

- Policy CZ-5.10     **Tree Removal and Timber Harvesting Policies** – The following general provisions apply to tree removal and timber harvesting activities:
- a. To the extent that the County has authority to regulate tree cutting or removal (e.g., tree cutting or removal that is not subject to the Forest Practices Act or that is expressly subject to local regulation under the Act), County policies and regulations on tree removal shall be applied through the coastal permit process;
  - b. To the extent that State law preempts County regulation of timber operations, County policies and regulations on timber harvesting shall be used as guidance for the County in participating in the California Department of Forestry and Fire Protection timber harvest plan review process;
  - c. For the large tracts of land under Federal control, County policies and regulations on timber harvesting shall be used as guidance for participation in the federal consistency process, or local government or Coastal Commission participation in the coastal permit process, whichever applies.
- Policy CZ-5.11     **Selective Tree Removal** - Selective removal of trees, including native trees, may be permitted where consistent with the Forest Resources policies of this Plan, provided that no significant degradation of environmentally sensitive habitat areas will result and that the removal is consistent with applicable viewshed protection policies in a pertinent area section of this Plan.
- Policy CZ-5.12     **Commercial Timber Harvesting** – Commercial harvesting of timber species shall be regulated pursuant to the Forest Practices Act of 1973, as amended, and Forest Practice Rules adopted by the Board of Forestry pursuant to the Act, which include rules for Coastal Commission Special Treatment Areas designated by the Act.<sup>1</sup> To the extent permitted by State law, timber harvesting shall be undertaken in conformance with the policies of this Plan.
- Policy CZ-5.13     **County Review of Timber Harvest Plans** – The County shall review timber harvest plans for environmental impacts and consistency with the policies of this Plan in order to provide comment to and participate in the review process of the California Department of Forestry and Fire Protection.
- Policy CZ-5.14     **Public Agency Coordination on Timber Harvest Plans** - The County shall request advice and guidance from the California Department of Fish and Game, Regional Water Quality Control Board, and California Division of Mines and Geology, as appropriate, in reviewing proposed timber harvest plans. The County shall engage the services of a registered professional forester to review timber harvest plans, as needed. This shall be at the applicant's expense.

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<sup>1</sup> 14 Cal Code Regs §965, et seq

Policy CZ-5.15     **Timber Harvest Plans** – The County shall encourage timber harvest plans to use sound forest management best practices and principles to protect the natural ecosystem, in accordance with all applicable federal and state laws. The County shall encourage the following to be included in timber harvest plans:

- a. Soil or stream disturbance resulting from commercial timber harvest should not be allowed between October 15 and April 15. Erosion control programs should be identified by September 30 of each year.
- b. All salvage or selective logging activities should take place outside the riparian corridor except the felling of trees.
- c. Best available methods to protect riparian corridors when felling of trees should be followed to avoid disturbance to streams, rivers, and drainage ways.

Policy CZ-5.16     **Timber Harvest Limits** – Any timber harvest in a watershed which provides domestic water downstream of the proposed harvest area shall be limited to removal of no more than 15 percent of the total merchantable timber in any 10-year period.

Policy CZ-5.17     **Land Divisions of Coastal Commercial Timberlands** - Division of coastal commercial timberlands into units of less than commercial size or their conversion to uses which would preclude the primary uses listed in the underlying land use designation shall not be allowed. Contiguous coastal commercial timberlands of 20 acres or more on any one legal parcel shall not be divided into units of less than 20 acres, unless a binding agreement for the joint management of the timberland resource as a single unit is effected prior to or conditionally upon such land division. This policy does not apply to small-scale milling operations or to lands that are permanently precluded from timber harvest for any reason, including the terms of a scenic easement in favor of a public agency or private non-profit conservation organization.

Policy CZ-5.18     **Road Construction to Accommodate Logging** - Road construction to accommodate salvage or selective logging shall be kept to an absolute minimum. Applicants shall be required to evaluate the expected sediment yield or runoff associated with each project and the secondary impacts on aquatic and marine resources. Logging roads shall not impact the scenic view. Sidecasting of earth material shall not be permitted during the construction of roads unless material is placed in a manner that will ensure its stability and that it will not be subject to erosion. All excess material shall be removed from the site unless it can be placed in a location and manner that ensures it will be stable and not subject to erosion.

No road to accommodate logging shall be built unless a qualified biologist certifies that any environmentally sensitive habitat areas present will not be significantly harmed. Roads across slopes greater than 50 percent shall not be permitted, and all roads proposed on slopes greater than 30 percent shall be reviewed by a geologist in order to avoid geologically unstable areas and control erosion. Logging road construction and timber harvesting should avoid all adverse impacts to the public viewshed.

## Water Quality & Marine Resources

### Goal CZ-6 - Water Quality & Marine Resources

Protect, maintain, and, where feasible, restore marine/terrestrial resources and water quality.

Policy CZ-6.1 Deleted

***Comment: The Coastal Act does not require "watershed planning." Specific issues are addressed by specific policies.***

Policy CZ-6.2

**Alteration of Natural Shoreline Processes** – Alteration of natural shoreline processes, including drainage, erosion, water circulation and sand transport, shall be limited to the minimum necessary for the protection of beaches or existing significant structures in danger from erosion, to serve coastal-dependent development, or to restore and enhance environmentally sensitive habitat.

- a. In order to prevent further reduction in the size and quality of remaining shoreline wetlands habitat which would cause a significant reduction in overall biological productivity, no diking, dredging, or filling shall be allowed along the shoreline which would result in such harmful effects except when an equivalent area of new or degraded shoreline wetlands, within the same estuarine system is created or restored in a manner which maintains or enhances overall biological productivity. Such mitigation shall precede diking, dredging, or filling activities.
- b. For the purposes of application of this policy, existing significant structures shall mean substantial development, such as a residence, road, or substantial public facility.

All portions of a substantial development, including all structures attached to the substantial development, may be protected pursuant to this policy. This policy shall not be construed as precluding nominal alterations of natural shoreline processes to protect structures of a less than substantial nature.

Policy CZ-6.3

**Revetments, Groins, Seawalls, or Retaining Walls** - Revetments, groins, seawalls or retaining walls, and other such construction that alters natural shoreline processes shall 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 on local shoreline sand supply. These structures shall not impede lateral beach access and shall respect, to the greatest degree possible, natural landform and visual appearance. These structures shall be designed and certified by a coastal engineer or engineering geologist with expertise in coastal processes.

Policy CZ-6.4

**Dredging Permits** - Permits for dredging and other activities which would substantially modify the substrate of kelp forest communities should be

reviewed by the Marine Resources Region of the Department of Fish and Game.

- Policy CZ-6.5 **Voluntary Stream Restoration** - The County encourages the voluntary restoration of streams and their immediate natural environment both on public and private lands. Restoration projects may include: improvements to water supply and quality, enhancement of water flows or water retained for in-stream uses, improvement of fish habitat, installation of fish ladders, stream restocking, re-establishment or irrigation of riparian vegetation, etc. Restoration permits shall have minimized costs and timeframes.
- Policy CZ-6.6 **Dumping of Waste** - All dumping of waste material such as garbage or refuse into riparian corridors and other drainage courses shall be prohibited. This policy shall not be construed as precluding placement of clean earth in a manner which will not cause significant harm to riparian habitat or in-stream resources.
- Policy CZ-6.7 **Stream Alteration** – Alteration of natural streams shall be minimized by minimizing adverse effects of waste water discharges and entrainment, controlling harmful runoff, preventing substantial interference with surface water flows, encouraging voluntary waste water reclamation, and maintaining riparian habitats to the extent feasible.
- Policy CZ-6.8 **Deleted**
- Comment: The Coastal Act does not require setbacks from streams, but instead acknowledges development near streams (making permits for such development appealable to the coastal commission).***
- Policy CZ-6.9 **Winter Stream Discharges** - In general, the high rate stream discharges during the winter should not be substantially interrupted because of their beneficial effects on the stream and its living community and on beach replenishment. Diversions of winter stream flows which would cause substantial impairment of beach sand supply and anadromous fish runs, shall not be permitted.
- Policy CZ-6.10 **Development in Stream Channels** - All development within stream channels, including dredging, filling, and grading, shall be limited to activities which by their nature must occur within stream channels, such as for flood or erosion control purposes, water supply projects, improvement of fish and wildlife habitat, road crossings, or continued and future use of utility lines. These activities shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. When such activities require removal of riparian plant species, re-vegetation with native plants shall be required.
- Policy CZ-6.11 **Activities in Stream Channels** – Septic systems shall be prohibited within intermittent and perennial stream channels. Regulation of agricultural activities within stream channels in the Coastal Zone shall differ from county-

wide regulation of such agricultural activities only to the extent expressly required by the Coastal Act.

Policy CZ-6.12 Deleted

Policy CZ-6.13 Deleted

**Comment: This issue is addressed by countywide policy ER-3.2.**

Policy CZ-6.14 **Marine Habitats** - Development on parcels adjacent to intertidal habitat areas shall be sited and designed to prevent percolation of septic runoff and deposition of sediment.

Policy CZ-6.15 **Harbor Seal Haul-Out Areas** - Development and recreational activities near harbor seal haul-out areas shall be restricted to ensure the continued viability of this habitat. In accordance with federal regulation, the haul-out areas shall not be altered or disturbed by recreational, commercial, or other uses which would interfere with use of the area as a harbor seal haul out site.

## Scenic Resources

### Goal CZ-7 - Scenic Resources

Protect the scenic and visual qualities of coastal areas.

Policy CZ-7.1 **Scenic and Visual Qualities** – The scenic and visual qualities of coastal areas shall be protected. Permitted development shall be sited and designed to protect views to and along the ocean, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas.

Policy CZ-7.2 **Voluntary Efforts to Restore Scenic Beauty** - The County encourages voluntary public and private efforts to restore the scenic beauty of visually-degraded areas of the coast and will assist such efforts where possible.

Policy CZ-7.3 **Siting to Avoid Visibility and Other Problems** - To the extent feasible, sites for new structures shall be selected to avoid the construction of access roads visible within public and critical viewsheds and to reduce the extent of environmental and engineering problems resulting from construction. To the extent feasible, access roads shall be located, designed, and constructed to minimize intrusion upon Public Viewshed on open frontal slopes or ridgelines.

Policy CZ-7.4 **Scenic Slopes, Hills, And Ridgelines** – If property containing land on scenic slopes, hills, and ridgelines, is allowed to be subdivided, the lots should be situated to allow the highest potential for screening development and access roads from Public Viewsheds. Lots and access roads should also be sited to minimize tree removal and visually intrusive grading as a result of the development.

- Policy CZ-7.5      **New Roads in Critical and Public Viewsheds** - New roads in critical or Public Viewshed areas providing residential, recreational, or agricultural access should be considered only where it has been demonstrated that use of neighboring roads is not feasible for the purpose.
- Policy CZ-7.6      **Outdoor Advertising Signs** - Outdoor advertising signs shall be restricted and, where present, removed as soon as possible in conformance with existing County regulations. Highway direction and other public signs should be minimized and designed to complement the visual character of the area. Commercial and industrial signs shall be constructed of natural materials. They shall not be internally illuminated.
- Policy CZ-7.7      **Highway 1 Screening** - Site design techniques intended to screen structures from view of Highway 1 shall not involve major land modification that would have substantial adverse impact on adjacent marine habitats.
- Policy CZ-7.8      Deleted
- Comment: The Coastal Act does not require such scenic easements. See county-wide policies for the Refinement Group's positions on scenic / conservation easements.***
- Policy CZ-7.9      **Overhead Utilities** - New overhead utility and high voltage transmission lines that cannot be placed underground should be routed to minimize environmental and scenic impacts.
- Policy CZ-7.10     **Landscape Screening** - Where feasible, screening and other substantial landscaping shall consist of native plant and tree species consistent with the surrounding vegetation.

## Cultural Resources

### **Goal CZ-8 – Archaeological and Paleontological Resources**

Require reasonable mitigation for adverse impacts to identified archaeological and paleontological resources within the Coastal Zone.

***Comment: The Coastal Act has no requirements regarding historic resources. The county-wide portion of the plan is the appropriate place for policies not based on the Coastal Act. County-wide policies under Goal ER-10 are sufficient for historic resources county wide, including the Coastal Zone. See Refinement Group modifications to that goal.***

***The Coastal Act has this to say about archaeological and paleontological resources,***

**"Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required," *Public Resources Code section 30244.***

***Given this modest Coastal Act provision, county-wide archaeological and paleontological policies in Goals ER-11 and ER-12 adequately protect such sites in the Coastal Zone, with the exception of the reference to sites identified by the State Historic Preservation Officer (addressed below).***

Policy CZ-8.new     **Archaeologic and Paleontologic Sites Identified by the State Historic Preservation Officer** – In addition to such requirements as might apply pursuant to policies under Goals ER-11 and ER-12 of this Plan, where development would adversely impact archaeological or paleontological resources identified by the State Historic Preservation Officer within the Coastal Zone, reasonable measures shall be required to mitigate such impacts.

Policy CZ-8.1     **Deleted**

Policy CZ-8.2     **Deleted**

Policy CZ-8.3     **Deleted**

## Health and Safety

### Goal CZ-9 - Coastal Hazards

Minimize risks to life and property in areas of high geologic, flood, and fire hazards, retain stability of coastal bluffs and sand dunes, protect the air quality of Monterey County, and safeguard against oil spills in coastal waters.

### Natural Hazards

Policy CZ-9.1     **Minimization of Hazard Risks** - New development shall be sited and designed to minimize risk to life and property in areas of high geologic, flood and fire hazards.

***Comment: The change conforms the policy to Public Resources Code section 30253(1). No need to state that county-wide policies also apply in the Coastal Zone.***

Policy CZ-9.2     **Rebuild After a Natural Disaster** - Notwithstanding any other provision of this Plan, any structure, other than a public works facility, destroyed as a result of a natural disaster can be rebuilt without a Coastal Development Permit provided the size of the replacement structure does not exceed the size of the structure that was destroyed by more than ten percent beyond the original dimensions of the structure, and it is on its original location on the site,

and further provided that the replacement structure meets County building code requirements at the time of rebuilding.

**Comment: Public Resources Code section 30610(g)(1).**

## Shoreline Bluffs and Sand Dunes

Policy CZ-9.3

**Geologic Report Requirements** - Where soils and geologic reports are required for shoreline bluff top development, they should include a description and analysis of factors to determine that the structure will be stable and not contribute significantly to erosion or geologic instability of the site, which may include the following items where pertinent:

- a. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints and faults;
- b. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;
- c. Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the ground water system; alterations in surface drainage);
- d. Potential erodibility of site and mitigating measures to be used to minimize erosion problems during and after construction (i.e., landscaping and drainage design);
- e. Cliff geometry and site topography, extending the surveying work beyond the site as needed to determine unusual geomorphic conditions that might affect the site;
- f. Historic, current, and foreseeable cliff erosion, including investigations of recorded land surveys and tax assessment records, in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport.

Policy CZ-9.4

**Development on Shoreline Cliffs and Bluffs** - Any proposed development within 50 feet of the face of a shoreline cliff or bluff or within the area of a 20 degree angle from the toe of a shoreline cliff, whichever is greater, shall require the preparation of a geologic report as set forth in Policy CZ-9.3 to address risks from faults, bluff retreat, slope stability, erosion, etc. The report shall demonstrate that (a) the area is stable for development; and (b) the development will not create a geologic hazard or diminish the stability of the area.

Policy CZ-9.5

**Bluff Top Annual Erosion Rate** – Geologic reports for development on shoreline cliffs or bluff tops shall develop a long-term annual average erosion rate for bluffs, multiply this by the economic life of the structure and either multiply that by a safety factor or add a buffer factor as a set distance. The County will impose shoreline bluff top setback requirements based on this calculation.

For example, if the rate of erosion is determined to be 3 inches per year, the economic life of the structure is 100 years, and the safety factor is 1.2, then the minimum setback is 30 feet (3 in. x 100 yrs. = 300 in., 300 in. = 25 feet, 25 feet x 1.2 = 30 feet). If the buffer factor were a set distance of 10 feet, and the rate of erosion and economic life of the structure were the same as in the preceding example, then the setback would be 35 feet.

The buffer factor may vary regionally, based on the quality of the erosion change data and the size or magnitude of extreme erosion events. Based on the above criteria, all development, including second story and cantilevered portions of a structure shall be set back a minimum of 25 feet or the long-term annual average erosion rate multiplied by the economic life of the structure and by a buffer factor of 1.2 from the top edge of the bluff, whichever is greater. An additional setback beyond what this erosion formula may yield may be required to meet a 1.5 Factor of Safety for gross or surficial landsliding.

This policy shall not be construed as precluding the construction of seawalls or similar developments to protect or reinforce existing structures provided they conform with other requirements of this Plan.

Policy CZ-9.6 **Shoreline Bluff Top Setback Lines** – Shoreline bluff top setbacks shall be calculated to avoid the need for seawalls during the development's economic lifespan. The geologic report required for shoreline bluff top development shall provide 100-year setback lines for bluff tops and provide the methodology pursuant to the policies of this plan for determining the setback.

Policy CZ-9.7 **Shoreline Bluff Top Setback Requirements For Reconstruction** - If a structure is proposed for demolition and reconstruction of over 90% of its exterior walls, it must follow the shoreline bluff top setback requirements in this Coastal Element and related implementing ordinances.

Policy CZ-9.8 **Deleted**

Policy CZ-9.9 **Land Divisions on Shoreline Fronting Property** – Land divisions on shoreline fronting property resulting in new parcels must demonstrate that the parcels can be developed with structures that will not require shoreline protection during a 100-year economic life.

Policy CZ-9.10 **Development on Sand Dunes** – New development on sand dunes shall be prohibited, unless there is no other feasible alternative location for development on a legal parcel. If there is no feasible alternative to development within the sand dune habitat, the new proposed development must be: 1) landward of the most seaward line of vegetation, 2) sited so that the structure minimizes adverse impacts to natural dune formation, and 3) sited so that the structure does not significantly adversely affect sandy beach habitat. Such new development proposals will require a geologic report to substantiate the stability and integrity of the dune, an erosion prevention and control plan, and a detailed biological survey and report prepared by qualified consultants and engineers. Where there is no vegetation, a

geologic report must be prepared to establish a line seaward of which no new development will be allowed.

## Air Quality Deleted

***Comment:*** *There is no need to restate county-wide policies that apply in the Coastal Zone.*

## Policy CZ-9.11 Deleted

## Oil Spill Prevention

Policy CZ-9.12 **Oil Spill Prevention and Remediation** – The County shall work with appropriate state and federal agencies to develop and implement oil spill prevention programs. In the event an oil spill occurs on the coast or in any river or drainage way draining into the Monterey Bay National Marine Sanctuary, the entities responsible for the spill shall identify appropriate measures to restore the damaged area to its condition prior to the spill and shall submit a plan for restoration to the Board of Supervisors. The Board shall issue such permits as may be appropriate to facilitate the restoration of the damaged area.

## Public Services

### Goal CZ-10 - Public Services

Ensure that water and wastewater services are provided in a manner that is protective of coastal resources.

## Domestic Water

Policy CZ-10.1 **Water Supply and Flood Control** – Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to: 1) water supply projects, 2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, 3) road and driveway crossings, or 4) developments where the primary function is the improvement of fish and wildlife habitat.

## Policy CZ-10.2 Deleted

***Comment:*** *There is no need to restate county-wide policies that apply in the Coastal Zone.*

## Wastewater

Policy CZ-10.3

**Point-Source Wastewater Discharges Into Coastal Waters** - All new and/or expanding point-source wastewater discharges into the coastal waters of Monterey County shall require a permit from the County Environmental Health Division. Applicants for such permits shall be required to submit, at a minimum, the following information and studies:

- a. Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria, and other indicators prescribed as threats to the health and safety of coastal waters, or
- b. Comprehensive projections of the proposed wastewater discharges; both quantitative and qualitative characteristics must be specifically identified. Specific figures for the indicators identified in (a) above must be included in the projections.
- c. Complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in (a) above. This information shall also include reliability and efficiency data of the proposed treatment.
- d. A comprehensive monitoring plan for testing of wastewater for indicators identified in (a) above.
- e. Perform oceanographic studies to determine the most suitable location and methods for discharge into the ocean.
- f. Perform tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement.
- g. Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters.
- h. Identify and analyze alternative methods of disposal. This shall include hydro-geologic studies of the applicant's groundwater basin to determine the water quality problems in that area and if onsite disposal will have an adverse impact on groundwater quality.

The data and results of requirements (a) through (h) above must be submitted to the County for evaluation and approval. A wastewater discharge permit shall be issued by the County Environmental Health Division only if the above information demonstrates that the proposed point-source wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

## Agriculture

### Goal CZ-11 - Agricultural Resources

Apply county-wide agricultural policies to assist agriculture within the Coastal Zone, and otherwise assist viability of agricultural and grazing uses.

- Policy CZ-11.1 **Agricultural Land Use** – Regulation of agricultural use of land in the Coastal Zone shall differ from county-wide regulation of agricultural use only to the extent expressly required by the Coastal Act.
- Policy CZ-11.2 **Deleted**
- Policy CZ-11.3 **Compatible Uses with Grazing** - Uses compatible with grazing, as prescribed in the Land Use Element, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to ranchers.
- Policy CZ-11.4 **Deleted**
- Policy CZ-11.5 **Essential Structures** - Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the Public Viewshed shall be permitted under careful design and siting controls. Examples include barns, fences, windmills, water pumps, water tanks, stock ponds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development.
- Policy CZ-11.6 **Prescribed Burning** – The State Department of Forestry and the U. S. Forest Service should actively participate and assist in developing prescribed burning programs for private and for public lands in order to improve and maintain the grazing land resource.
- Policy CZ-11.7 **Deleted**

### Goal CZ-12 - Aquaculture

Encourage the raising, harvesting and production of fish and shellfish.

- Policy CZ-12.1 **Aquaculture Industry Growth** - The County shall encourage the further growth and development of aquaculture as an economic, research and educational activity in the Coastal Zone, consistent with overall conservation policies.

- Policy CZ-12.2     **Processing Facilities** - The County shall allow aquaculture and related activities, including fish processing, in the same manner as other agricultural support facilities.
- Policy CZ-12.3     **Harbor Facilities** - Where appropriate, the County shall allow development of harbor facilities for aquaculture and commercial fishing that are compatible with overall conservation policies (see also policies under Goal CZ-4).
- Policy CZ-12.4     **Aquaculture Facility Siting** - The County shall encourage the siting of aquaculture facilities in areas where good water quality is consistently maintained, and ecosystem health is not compromised, consistent with other policies of this Plan.