

# **PUBLIC REVIEW DRAFT**

## **Sonoma County Local Coastal Plan**

### **APPENDIX I: CATEGORICAL EXCLUSIONS September 2019**



**Local Coastal Program  
Permit Sonoma**

2550 Ventura Avenue  
Santa Rosa, CA 95403

Adopted by Resolution No. 19-XXXX  
of the Sonoma County Board of Supervisors  
September XX, 2019

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# **APPENDIX I: CATEGORICAL EXCLUSIONS**

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## **APPENDIX I: CATEGORICAL EXCLUSIONS**

### **1. CATEGORICAL EXCLUSION CONDITIONS FOR UNITS 1, 2, AND 3 IN BODEGA HARBOUR**

**Note:** The following lots in Unit 2 are not exempt from Coastal Permits because of visual concerns:

APNs 100-320-006-008, 014-016, 048-053, 062-066  
100-330-033-036

Of these lots, APNs 100-320-051, 053, 066 are subject to Condition 3.

Units 1, 2 and 3 of Bodega Harbour depicted on Exclusion Map B-1 are exempt (except for the lots specified above) from Coastal Permits under certain conditions. All conditions must be met or a Coastal Permit will be required. The Permit and Resource Management Department shall not sign off on any building permit unless evidence is provided that the conditions have been met.

**CONDITION 1:** (Units 1 and 2 only) All residences must be no higher than 16 feet from the high point of the roof (chimney flues excluded) to the highest point of natural grade under the house.

**CONDITION 2:** (Unit 3 only) No structure shall be more than one story or 16 feet in height, except that up to 20% of the total roof area may be 20 feet in height if at least an equal amount of the total roof area is a corresponding distance below the 16 foot maximum height. Height is measured as the vertical distance from the highest and lowest points of natural grade beneath the enclosed portion of the structure.

**CONDITION 3:** Because subdivision geologic studies have indicated that certain lots require an additional soils engineering study to ensure proper construction, the following lots in Units 1, 2, and 3 must meet the following specific requirements:

1. Building layout and foundation plans shall be reviewed by an engineering geologist.
2. The engineering geologist may require inspection of foundation excavations prior to pouring concrete if slopes are more than 20%.

Units 1 and 2

APNs 100-255-003, 004, 009, 010  
100-261-005-007

100-271-004, 005  
100-281-008-010  
100-282-004-08, 018, 019  
100-291-002-005, 017, 019-021  
100-340-073, 074, 075, 078

Unit 3

APNs 100-380-031, 032  
100-400-049  
100-420-025, 037  
100-440-008  
100-450-002

CONDITION 4: The following lots in Unit 3 must meet the following additional soils/geologic requirements:

Unit 3

APNs 100-380-030, 033-036  
100-400-013, 016, 017  
100-410-038, 039, 040, 062  
100-420-073  
100-450-001

1. A surface/subsurface foundation investigation by an engineering geologist is required based on the proposed building location prior to foundation design.
2. Building layout and foundation plans must be reviewed by a registered engineering geologist.
3. The engineering geologist is likely to require inspection of foundation excavations while excavating equipment is on the site and before forms and steel are place.

CONDITION 5: The following lots require an archaeological field study and implementation of reasonable mitigation measures when recommended by the study:

APNs 100-261-020  
100-380-054  
100-420-720

CONDITION 6: The following lots lie within 300 feet of a designated freshwater marsh. To mitigate possible impacts on the marsh, the following measures shall be employed:

APNs 100-281-007-010  
100-292-004-010

1. Any grading, cut or fill shall occur between May 15 and September with immediate reseeded of any disturbed areas. This requirement may be waived if an erosion control plan is submitted.
2. Finished cut slopes shall be 3:1 or flatter.
3. Use of pole, caissons and grade beam, or similar construction is strongly encouraged to minimize grading on these lots.
4. Retaining devices such as railroad ties shall be used downslope from all structures, with thick plantings of native grasses on the downstream side of the ties.

CONDITION 7: All development shall comply with the Bodega Harbour Design Regulations and homeowners' CC&Rs. Evidence of Final Design Review approval (Design Review letter) must be presented to the Sonoma County Permit and Resource Management Department. On any lot with a slope greater than 5%, the Design Review letter shall indicate appropriate measures for erosion control of storm runoff which have been included in the project design.

No final planning approval sign-off shall occur until the planner sees the Final Design Review approval letter and the Bodega Harbour checklist.

## **2. CATEGORICAL EXCLUSION FOR TAYLOR TRACT AND FIRST ADDITION, BODEGA BAY**

One single-family dwelling for each existing vacant parcel is categorically excluded from a Coastal Permit in the area west of Highway 1 in the Taylor Tract and the First Addition if it meets all of the following conditions. If it does not meet all of the following conditions, a Coastal Permit is required.

1. The exclusion shall apply only to those parcels depicted on Exclusion Map B-2.
2. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by structure to ensure community compatibility.
3. Dwelling units shall be subject to Design Review and conform to Bodega Bay "Core Area" Coastal Plan Design Guidelines.
4. The following lots are subject to the requirements of the Alquist-Priolo Special Studies Zone (engineered foundations) enforced by the Sonoma County Permit and Resource Management Department.

APNs 100-080-011, 017, 019, 022-027, 031, 055, 057, 058, 064, 065  
100-092-001-009  
100-093-002-006, 008, 010, 011, 015-023  
100-094-001, 004-007  
100-095-001-007  
100-096-014-019, 033, 034

5. The following lots lie within 300 feet of a designated freshwater marsh. A grading, erosion, and sediment control plan prepared by a civil engineer is required to mitigate possible impacts on the marsh.

AP# 100-080-045, 046, 054, 055  
100-090-025, 030, 031

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### **2.1 Categorical Exclusion Conditions Attachment "B-2" For Villa Marina, Bodega Bay**

One single-family dwelling for each existing vacant parcel in the Villa Marina Subdivision is categorically excluded from Coastal Permits if it meets to following conditions. If it does not meet any of the conditions, a Coastal Permit is required.



1. The exclusion shall apply only to those parcels depicted as excludable parcels on Exclusion Map B-2.
2. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by structure.
3. All dwellings are subject to design review and shall conform to Coastal Zone design guidelines.
4. The following parcels are subject to requirements of the Alquist-Priolo Special Studies Zone (engineered foundations) enforced by the County Permit and Resource Management Department:

AP# 100-070-012-017  
100-070-026-028

5. The following parcels require an engineering geologist review and approve grading, site preparation, drainage, and foundation plans to determine there will be no significant impacts:

AP# 100-070-012-017  
100-070-026-028

6. The following parcels require an archaeological study, and implementation of reasonable mitigation measures when recommended by the study:

AP# 100-070-012, 026, 028

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## **2.2 Categorical Exclusion Conditions Attachment "B-2" for W Haleship Area, Bodega Bay**

One single family dwelling for each existing vacant parcel in the Whaleship Road area is categorically excluded from Coastal Permits if it meets the following conditions. If it does not meet any of the conditions, a Coastal Permit is required.

1. The exclusion shall apply only to those parcels depicted as excludable parcels on Exclusion Map B-2. Remaining parcels are not excluded because they are within 100 feet of a designated marsh, contain marshes or ponds, potential public trust land, or are steep and present significant design issues.
2. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by structure.
3. All dwellings are subject to design review and shall conform to Coastal Zone Design guidelines.

4. The following parcels are subject to requirements of the Alquist-Priolo Special Studies Zone (engineered foundations) enforced by the County Permit and Resource Management Department:

AP# 100-051-013-017

5. The following parcels require that an engineering geologist review and approve all grading, site preparation, drainage, and foundation plans to determine there will be no significant impacts:

AP# 100-051-013-017

The engineering geologist report shall contain, at a minimum, the information specified in the Coastal Commission Statewide Interpretive Guidelines concerning Geologic Stability of Blufftop Development.

### **3. CALIFORNIA COASTAL COMMISSION CATEGORICAL EXCLUSION ORDER E-81-5, ADOPTED IN 1981, SONOMA COUNTY**

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30010(e) and 30610.5(b), categorically excluding from the permit requirements of the California Coastal Act of 1976 the categories of development within the specifically defined geographic areas described below:

#### **I. BACKGROUND**

Section 30610 of the California Coastal Act allows the State Commission to adopt a Categorical Exclusion for a specific type of development within a defined geographic area.

Section 30610(e) states that no Coastal Development Permit shall be required for the following types of development and in the following areas:

"Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program."

Public Resources Code Section 30610.5(b) additionally requires that the following findings and provisions must be made:

Section 30610.5(b) states in part:

"Every exclusion granted...shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (e) of Section 30610...may be revoked at any time by the Commission if the conditions of the exclusion are violated."

The County of Sonoma seeks the exclusion by the California Coastal Commission of categories of development in the geographic areas designated in **Exhibit 1** from Coastal Development Permit requirements. The categorical exclusion may be authorized pursuant to Public Resources Code Section 30610(e) and 30610.5(b). The geographic area is the entire coastal zone of the County of Sonoma. Within this area, the County

proposes that the following activities within the specific areas shall not require a Coastal Development Permit.

## **II. CATEGORIES OF DEVELOPMENT, GEOGRAPHIC AREAS, AND CONDITIONS**

### **A. Category of Development**

Single-family residences on existing parcels in Units I and II of the Bodega Harbour Subdivision.

#### ***Geographic Areas of Exclusion***

Existing lots in Units I and II of Bodega Harbour Subdivision except APNs 100-032-006, 008, 014-016, 048-053, 062-066, and 100-033-033-036, as shown on the attached Exclusion Map B-1.

#### ***Conditions***

1. All residences must be no higher than 16 feet from the highest point of natural grade under the house to the high point of the roof (chimney flues excluded).
2. Because subdivision geologic studies have indicated that certain lots require additional soils engineering study to ensure proper construction, the following lots must meet specified requirements.

APNs 100-255-003, 004, 009, 010  
100-261-005-007  
100-271-004, 005  
100-281-008-010  
100-282-004-008, 018, 019  
100-291-002-005, 017-021  
100-034-073-075, 078

#### ***Requirements***

- a. The building layout and foundation plans shall be reviewed by an engineering geologist.
- b. The engineering geologist may require inspection of foundation excavations prior to pouring concrete if slopes are more than 20 percent.
3. The following lot requires an archaeological field investigation, and implementation of reasonable mitigation measures when recommended by the study: APN 100-261- 020.
4. The following lots lie within 300 feet of a designated freshwater marsh: APNs 100-281-007-010; 100-029-004-010.

To mitigate possible impacts on the marsh, the following measures shall be employed:

- a. Any grading, cut or fill shall occur between May 15 and September 15 with immediate reseeding of any disturbed areas. This requirement may be waived if an erosion control plan is submitted.
  - b. Finished cut slopes shall be 3:1 or flatter.
  - c. Use of pole, caissons and grade beam, or similar construction is strongly encouraged to minimize grading on these lots.
  - d. Retaining devices such as railroad ties shall be utilized downslope from all structures with thick plantings of native grasses on the downstream side of the ties.
5. All development shall comply with Bodega Harbour Design Regulations and homeowners' CC&Rs. Evidence of final Design Review approval (letter) must be presented to the Permit and Resource Management Department. On any lot with a slope greater than 5 percent, the Design Review letter shall indicate appropriate measures for erosion control of stormwater runoff which have been included in the project design.

## **B. Category of Development**

Single-family residences on existing parcels in the Taylor Tract and First Addition, Bodega Bay.

### ***Geographic Area of Exclusion***

Existing parcels in the Taylor Tract and First Addition, as shown on the attached Exclusion Map B-2.

### ***Conditions***

1. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by the structure.
2. Dwelling units shall be subject to Design Review and must conform to Bodega Bay "Core Area" Coastal Plan Design Guidelines.
3. The following lots are subject to the requirement of engineered foundations for development within the Alquist-Priolo Special Studies Zone, as enforced by the Sonoma County Permit and Resource Management Department:

APNs 100-098-011-017, 019, 022-027, 031-055, 057, 058, 064, 065  
100-092-001-009  
100-093-002-006, 008, 010, 011, 015-023  
100-094-001, 004-007

100-095-001-007  
100-096-014-019, 033, 034

4. The following lots lie within 300 feet of a designated freshwater marsh:

APNs 100-051-013-017

A grading, erosion, and sediment control plan prepared by a civil engineer is required to mitigate possible impacts on the marsh.

### **C. Category of Development**

Single-family residences on existing parcels in the Whaleship Area, Bodega Bay.

#### ***Geographic Area of Exclusion***

Existing parcels in the Whaleship Area as shown on Exclusion Map B-2.

#### ***Conditions***

1. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by the structure.
2. All dwellings are subject to design review by the Sonoma County Permit and Resource Management Department and shall conform to Coastal Zone Design Guidelines.
3. The following parcels are subject to requirements of the Alquist-Priolo Special Studies Zone (engineered foundations) enforced by the Sonoma County Permit and Resource Management Department:

APNs 100-051-013-017

4. The following parcels require that an engineering geologist review and approve all siting of structures, grading, site preparation, drainage, and foundation plans to determine where will be no unmitigable hazards to life or property:

APNs 100-051-013-017

The engineering geologist report shall contain, at a minimum, the information specified in the Coastal Commission Statewide Interpretive Guidelines concerning Geologic Stability of Blufftop Development (5-77).

### **D. Category of Development**

Single-family residences on existing parcels in the Villa Marina Subdivision, Bodega Bay.

***Geographic Area of Exclusion***

Existing parcels in the Villa Marina Subdivision as shown on Exclusion Map B-2.

***Conditions***

1. Height shall not exceed 16 feet from the average level of the highest and lowest point of that portion of the lot covered by the structure.
2. All dwellings are subject to design review by the Sonoma County Permit and Resource Management Department and shall conform to Coastal Zone Design Guidelines.
3. The following parcels are subject to requirements of the Alquist-Priolo Special Studies Zone, including engineered foundations, as enforced by the Sonoma County Permit and Resource Management Department:

APNs 100-007-012-017  
100-001-020-028

4. The following parcels require that an engineering geologist review and approve the siting of structures and all grading, site preparation, drainage, and foundation plans; and to determine there will be no unmitigable hazards to life and property:

APNs 100-007-012-017  
100-007-026-028

5. The following parcels require an archaeological study and the implementation of reasonable mitigation measures when recommended by the study:

APNs 100-007-012,026,013

**E. Category of Development**

The pruning, trimming or removal of non-commercial trees that are part of a vegetation management program administered by the California Department of Parks and Recreation to provide for:

- a. tree hazard control
- b. arboriculture
- c. exotic (non-native) tree removal as part of a program to restore an area to its native vegetation
- d. fire prevention or control
- e. insect or disease control
- f. fuel break or fuel reduction

- g. scenic vista clearing
- h. soil erosion control
- i. ecological management

***Geographic Area of Exclusion***

All California State Park, reserves, and recreation areas within the exclusion areas mapped on Exhibit 1.

***Conditions***

A report of the activity shall be submitted to the Director of the Permit and Resource Management Department at least 10 days prior to that activity. Emergency fire control measures and the removal of trees which pose an imminent threat to public safety, such that the vegetation removal is exempted from the Department of Parks and recreation Operations Manual approval procedures, are exempt from the condition of this exclusion requiring a report and review by the Director of the Permit and Resource Management Department.

The proposed activity is excludable under this order only if the Director of the Permit and Resource Management Department reviews the proposed activity and certifies, prior to the commencement of any activity, that the tree trimming, pruning, and removal will protect the resource values of the following:

1. Any tree or trees that are landmark trees or that are of special cultural or coastal community significance.
2. Any tree or trees that are visually significant and/or important scenic resource.
3. Any tree or trees that provide shade or act as a buffer against visual or noise intrusion in areas used by the public for recreational purposes or access to or along the coast.
4. Any tree or trees which are an integral part of an environmentally sensitive habitat area.
5. Any tree or trees that are native California species.
6. Any tree or trees that are of educational or scientific value because of their location, species, size, habitat value or other natural features.
7. Any tree or trees that are important in the control of erosion, in the provision of windbreaks or other climate control, in the provision of protection to surrounding vegetation, in the provision of soil stabilization, or in the maintenance of flood control protection.



8. Any tree which is rare or endangered or provides habitat for rare or endangered species as listed in the following sources:
  - a. Volume 60, Code of Federal Regulations, Part 23 (Based upon Convention on International Trade in Endangered Species of Wild Fauna and Flora).
  - b. Volume 60, Code of Federal Regulations, Part 17 (Based upon Endangered Species Act of 1973).
  - c. Title 14, California Administrative Code, Section 670.2 (Plants of California Declared to be Endangered or Rare).
  - d. California Native Plant Society Special Bulletin No.1, Inventory of Rare and Endangered Vascular Plants of California (The latest edition published shall be used).

The rare or endangered species lists referred to above are continually updated. The developer shall consult the most currently published versions of these lists.

#### **F. Category of Development**

The raising, grazing, maintaining, and breeding of horses, cattle, sheep, goats, and similar livestock, except for the construction of feedpens, milking sheds, feedsheds, barns, or similar structures within areas designated as Sanctuary-Preservation, Conservation, or Potentially Sensitive (hereinafter referred to collectively as "Sensitive Areas") on the adopted Open Space Map.

##### ***Geographic Area of Exclusion***

Parcels of land in the Sonoma County Coastal Zone which are zoned Resources and Rural Development, Land Intensive Agriculture, Land Extensive Agriculture or Diverse Agriculture and designated as excluded areas by the map attached as **Exhibit 1**.

##### ***Conditions***

This exclusion shall apply only to parcels five acres or larger.

#### **G. Category of Development**

The outdoor growing and harvesting of shrubs, plants, flowers, vines, fruits, vegetables, hay, grain, and similar food and fiber crops, including packing and polishing of unprocessed agricultural yield.

Within any Sensitive Areas designated on the adopted Open Space Map, this exclusion does not include the operation or maintenance of any power driven machinery, nor the erection of any structures for growing, harvesting, packing or polishing unprocessed agricultural yield.

***Geographic Area of Exclusion***

Parcels of land in the Sonoma County Coastal Zone which are zoned Resource and Rural Development, Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Agriculture and Residential, or Rural Residential and designated as excluded areas by the map attached as Exhibit 1.

**H. Category of Development**

The raising, feeding, maintaining, and breeding of poultry, fowl, rabbits, furbearing and similar animals for use of the persons residing on the property.

***Geographic Area of Exclusion***

Parcels of Land in the Sonoma County Coastal Zone which are zoned Resources and Rural Development, Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, and Timber Production and designated as excluded areas by the map attached as Exhibit 1.

***Conditions***

Such use must be incidental and appurtenant to a single-family dwelling.

**I. Category of Development**

Reforestation and restoration of timber and agricultural areas incidental to the growing and harvesting of timber and agricultural products. Exempted developments include the planting of trees, hydromulching, removal of temporary culverts, removal of slash, restoration of the natural contours of dirt roads, contour plowing and other restoration of land which has been subject to harvesting of timber or other agricultural products to a habitat value which existed prior to human activity. The exclusion does not include structural development or grading which would otherwise require a coastal permit under the Site Development and Erosion Control Standards of this chapter. Structural development is defined as the placement, erection, or construction of any structure. Structure includes, but is not limited to, any building, road, pipe, conduit, or aqueduct.

***Geographical Area of Exclusion***

Parcels of land in the Sonoma County Coastal Zone which are zoned Resources and Rural Development, Timber Production, Land Intensive Agriculture, Land Extensive Agriculture, or Diverse Agriculture and designated as excluded areas by the map attached as Exhibit 1, except for areas which are identified as Sensitive Areas on the Adopted Open Space Map.

***Conditions***

These activities must be carried out in a manner that protects riparian, and other sensitive habitat areas and deals adequately with water quality concerns. Site

Development and Erosion Control Standards of this chapter shall govern developments under this category, where applicable. These developments must be carried out in accordance with the Environmental Resource Management Recommendations listed in Chapter III of the Local Coastal Plan, the North Coast Water Quality Control Basin Plan and the Department of Fish and Game regulations.

#### **J. Category of Developments**

Maintenance and protection of wildlife preserves, including the stocking of fish, the planting of feed grains, the posting of signs and the erection and maintenance of barriers to predators.

##### ***Geographic Area of Exclusion***

Parcels of Land in the Sonoma County Coastal Zone zoned Resource and Rural Development, Timber Production, Land Intensive Agriculture, Land Extensive Agriculture, or Diverse Agriculture and designated as excluded areas by the map attached as Exhibit 1.

##### ***Conditions***

Operation of any wildlife and fishing preserve and refuge must be approved by the Department of Fish and Game and must be carried out in accordance with the Environmental Resource Management Recommendations listed in Chapter III of the Local Coastal plan.

#### **K. Category of Development**

The construction, improvement or expansion of accessory structures or uses appurtenant and incidental to agricultural and timber operations such as sheds, barns, and corrals.

##### ***Geographic Area of Exclusion***

Land in the Sonoma County Coastal Zone which is zoned Land Intensive Agriculture, Land Extensive Agriculture, Diverse Agriculture, Timber Production, Resources and Rural Development, or Resources and Rural Development/Agricultural Preserve subject to and designated as excluded by the map attached as Exhibit 1.

##### ***Conditions***

Development is exempt under this category only if all of the following conditions are met:

1. Development is located east of Highway One and not within view of any designated scenic road;

2. It is not located within any Sensitive Area or hazardous areas so designated in the County's adopted Open Space Map;
3. It does not affect sensitive areas in a manner contrary to the Environmental Resource Management Recommendation listed in Chapter III of the Local Coastal Plan;
4. It does not involve a designated historic site or area;
5. It meets County erosion control, grading and zoning requirements.

**L. Category of Development**

Geotechnical studies not requiring a grading permit. In addition, grading or fill as follows:

1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
2. Cemetery graves.
3. Refuse disposal sites controlled by other regulations.
4. Excavations for wells or tunnels or utilities.
5. Exploratory excavations under the direction of soil engineers or engineering geologists.
6. An excavation which (a) is less than 2 feet in depth, (b) which does not create a cut slope greater than 5 feet in height and steeper than one and one-half horizontal to one vertical.
7. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

***Geographic Area of Exclusion***

Land in the Coastal Zone of Sonoma County designated as excludable areas by the map attached as Exhibit 1, not within any sensitive or hazardous areas as designated by the County's adopted Open Space Map, nor affecting any sensitive area in a manner contrary to the Environmental Resource Management Recommendations.

***Conditions***

This exclusion shall not apply to grading or fill on land with slopes over 30% nor where the Soils Conservation Service of the U.S. Department of Agriculture has identified the soils as moderately to severely erodible.

**M. Category of Development**

Controlled burns regulated by the Department of Forestry and the Air Pollution Control District.

***Geographic Area Exclusion***

Land in the Sonoma County Coastal Zone mapped on the attached Exhibit 1 as excluded areas.

***Conditions***

All required permits must be obtained from the Department of Forestry and the Air Pollution Control District.

**N. Category of Development**

A single residential dwelling on a vacant, legal lot or improvements to an existing residential dwelling or accessory structures or uses incidental and appurtenant to a single-family dwelling provided it does not affect scenic views or sensitive coastal resources.

***Geographic Area of Exclusion***

Parcels of land in the Sonoma County Coastal Zone designated as excludable on the map attached as Exhibit 1 east of Highway One (except for parcels within the Timber Cove subdivision); not within view of any designated scenic road).

**O. Category of Development**

One single family dwelling for each existing vacant parcel in Unit III of Bodega Harbour Subdivision.

***Geographic Area of Exclusion***

Vacant single family residential lots in Unit III of Bodega Harbour Subdivision as shown on Exhibit B-2.

***Conditions***

1. No structure shall be more than one story or 16 feet in height, except that up to 20 percent of the total roof area may be 20 feet in height if a corresponding distance is below the 16 foot maximum height. Height is measured as the vertical distance from the median elevation of the highest

and lowest points of natural grade beneath the enclosed portion of the structure to the high point of the roof.

2. Because subdivision geologic studies have indicated that certain lots require additional soils engineering study to insure proper construction, the following lots must meet specified requirements.

APN 100-038-003, 032  
100-040-049  
100-042-025,037  
100-044-008  
100-045-002

- a. Building layout and foundation plans shall be reviewed by an engineering geologist.
  - b. The engineering geologist may require inspection of foundation excavations prior to pouring concrete if slopes are more than 20 percent.
3. The following lots in Unit III must meet additional soils/geologic requirements:

APN 100-038-030, 033-036  
100-040-013, 016, 017  
100-041-038, 039, 040, 062  
100-042-073  
100-045-001

- a. A surface/subsurface foundation investigation by an engineering geologist is required based on the proposed building location prior to foundation design.
  - b. Building layout and foundation plans must be reviewed by a registered engineering geologist.
  - c. The engineering geologist is likely to require inspection of foundation excavations while excavating equipment is on the site and before forms and steel are in place.
4. The following lots require an archaeological field investigation, and implementation of reasonable mitigation measures when recommended by the study:

APN 100-380-054  
100-420-072

6. All development shall comply with Bodega Harbour Design regulations and homeowner's CC&Rs.

Evidence of final Design Review approval (letter) must be presented to the Permit and Resource Management Department. On any lot with a slope greater than 5 percent, the Design Review letter shall indicate appropriate measures for erosion control of storm runoff which have been included in the project design.

**P. Category of Development**

Day care facilities for six or fewer children conducted in existing residence.

***Geographic Area of Exclusion***

Land in the Sonoma County Coastal Zone excluded under Exhibit 1.

**Q. Category of Development**

Home occupation carried out in an existing residence. This exclusion shall apply only to any activity which is carried on in a residence and which results in a product or service not used in its entirety by the family group, and which meets all of the following criteria:

1. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
2. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof; this does not include attached or detached garages or other accessory buildings;
3. The use does not appreciably change the character of the dwelling or adversely affect the uses permitted in a residential district. No home occupation shall be permitted which creates objectionable noise, dust, smoke, odor, or other nuisance;
4. The use shall not cause more than eight (8) customers or clients to come to the dwelling unit for service or products during any one (1) day;
5. The use shall not create substantial additional traffic or require additional parking;
6. No persons are employed other than those necessary for domestic purposes;
7. The use does not occupy more than one-quarter (1/4) of the total floor space of the dwelling;
8. The entrance to the space devoted to a home occupation shall be from within the building. No internal or external alterations or construction features are permitted;

9. Signing shall be limited to one (1) attached, non-illuminated, two (2) square foot sign;
10. No commercial vehicle shall be garaged, except that a single one ton or smaller truck may be ungaraged so long as signs on the truck are limited in size to normal logos found on business vehicles.

***Geographic Area of Exclusion***

Parcels within the Coastal Zone of Sonoma County shown as excluded on the map attached as Exhibit 1.

***Conditions***

Each person proposing to conduct a home occupation shall submit a letter to the Director of the Permit and Resource Management Department fully disclosing the nature and extent of the proposed occupation. The Director of the Permit and Resource Management Department may require the person proposing to conduct the home occupation to obtain written consent of owners of neighboring properties, or to obtain a use permit in cases where the proposed home occupation be incompatible with the particular neighborhood.

**R. Category of Development**

Signs subject to design review and conforming to Coastal Zone Design Guidelines.

***Geographic Area of Exclusion***

Land in the Sonoma County Coastal Zone designated as excluded in Exhibit 1.

**S. Category of Development**

Fences appurtenant to single-family residential, agricultural or animal husbandry use.

***Geographic Area of Exclusion***

Land in the Sonoma County Coastal Zone shown as excluded by Exhibit 1.

***Conditions***

No fence which might obstruct public accessways or public views to the ocean is exempted under this order.

No fence shall be allowed to obstruct any path, trail, or road over which there is evidence of use by the public.

If the construction of a fence is nonetheless necessary, and there is evidence of public use, then the developer shall preserve the accessway by erecting a stile, installing a gate, or by other appropriate physical means.



## **Exhibit 1**

"Exhibit 1", as used in this document, refers to the adopted map of exclusion areas which was prepared by the staff of the Coastal Commission and incorporated herein by this reference. The map is on file with both the County and the Commission. This map shows areas excluded from this request for categorical exclusion under Section 30610.5(b) of the Coastal Act, namely: "Tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust," where land is in the jurisdiction of the State Coastal Commission.

## **III. FINDINGS**

Provisions for Categorical Exclusions Public Resources Code Section 30610(e) states that no coastal development permit shall be required for...

Any category of development, or any category of development with in a specifically defined geographic area, that the Commission, after public hearing and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast, and where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of local government to prepare a local coastal program.

Public Resources Code Section 30610(b) additionally requires that the following findings and provisions must be made.

### **30610.5 (b) (in part)**

Every exclusion granted shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (d) of Section 30610..."may be revoked at any time by the Commission if the conditions of the exclusion are violated."

The findings below support the conclusions that the exclusion has no potential for significant adverse effect, either individually, or cumulatively, on coastal resources or on public access to or along the coast and that such exclusion will not result in a significant change in density, height or nature of uses.

1. Single-Family Homes (Categories A, B, C, D, N, O,)

The exclusion covers single-family homes in specific parts of Bodega Bay including the Bodega Harbour Subdivision, and in the coastal zone generally where homes would not be visible from Highway One and would meet certain other conditions.

- a. Visual and Scenic Resources. The Coastal Act requires the protection of scenic and visual quality of coastal areas and the protection of views to and along the ocean and scenic coastal areas (Sec. 30251).

Furthermore, the Act provides for the protection of scenic communities which are popular visitor destination points (Sec. 30253(5)).

The Sonoma County Coastal zone is a highly scenic area where construction of houses and other structures may affect public views. Communities on the Sonoma Coast such as Bodega Bay area popular visitor destination points where protection of community character is an important Coastal Act goal.

In the Bodega Bay area, the exclusion protects public views and visual resources through limiting the height of houses to be built and requiring design review. (For houses in Bodega Harbour Subdivision, design review would be accomplished by the Homeowner's Association under the existing recorded restrictions of the subdivision. (For houses elsewhere in Bodega Bay, design review would be accomplished by the Sonoma County Permit and Resource Management Department under Coastal Plan design guidelines approved as part of the Coastal Plan.

Outside of Bodega Bay, the exclusion would protect coastal visual resources by not applying to homes within view of any designated scenic road (including Highway One). For areas not with in view of scenic roads, homes are excluded without a height limit or other design restrictions because the construction of a house in such locations would not have a potential for adverse impacts on coastal visual resources.

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As proposed and conditioned, the exclusion of single-family dwellings will not have an adverse impact either individually or cumulatively, on coastal visual resources.

- b. Geologic Hazards. Section 30253 of the Coastal Act provides that new development shall minimize risks to life and property in areas of high geologic hazard and shall assure stability and structural integrity. The San Andreas fault zone passes near the community of Bodega Bay, and much of the proposed excluded area lies within the Alquist-Priolo Special Geologic Studies Zone. In order to meet the requirements of Section 30253 of the Coastal Act, the exclusion provides for engineered foundations and other engineering work in areas of Bodega Harbour Subdivision and elsewhere in Bodega Bay

where lots have the potential for instability. In addition, foundations for houses within the Alquist-Priolo Geologic Studies Zone must be designed by a registered civil engineer or engineering geologist. As proposed and conditioned, the exclusion will minimize risks to life and property in areas of geologic instability, in accordance with Section 30253.

- c. Adequacy of Services. Section 30250 (a) provides that new development shall be located within or near existing developed areas where services are available to accommodate it. In Bodega Bay, houses constructed under this exclusion will be served by community sewage disposal system at Bodega Bay serves approximately 420 houses. The number of potential additional connections in the community is approximately 700 lots, including a small number of lots not covered under this exclusion. The total of existing and potential development is approximately 1120 homes, which is significantly less than the sewage disposal system's capacity of approximately 1775 residential units.

The Coastal Plan states that existing water sources available to the Bodega Bay Public Utilities District may not be adequate to support full build-out of the community. The Plan states that the Public Utilities District is exploring additional supplies. Until additional supplies are available, the Coastal Plan calls for limiting development to existing lots (Phase 1 Land Use Plan) and relating new development to water capacities. If adequate water is not available for all lots, the Plan states that an allocation system should be developed and that additional water supplies should be pursued.

The construction of new homes in Bodega Bay has proceeded at a relatively slow pace in relation to the number of vacant lots remaining in the community. This moderate rate of growth ensures that development of new homes under this exclusion will not outrun the ability of the Public Utilities District to develop new water sources and to provide service to all existing lots.

Outside Bodega Bay, the exclusion covers single-family homes on legal lots which meet enumerated County standards including sewage disposal and water supply standards. (The subdivision at Timber Cove which is identified by the Coastal Plan to have particular water supply problems is specifically not covered by the Exclusion). In other areas where the County Environmental Health Department's requirements for water supply cannot be met including communities such as Jenner which are identified by the Coastal Plan as having inadequate water for additional development, the Exclusion would not apply.

As proposed and conditioned, the Exclusion ensures that all development will be served by adequate sewage disposal and water supply systems, consistent with Section 30250(a) of the Coastal Act. The Exclusion has no potential for

significant adverse effect, either individually or cumulatively, on the ability of public services to support new development.

- d. Public Access/Traffic. Section 30210 of the Coastal Act provides that maximum access and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The exclusion of certain single-family homes, as proposed, will not significantly affect public access to or along the coast, for the following reasons. The first row of parcels adjacent to the sea is not covered by the exclusion. Furthermore, most parcels in Bodega Bay which are excluded are located inland of the first public road paralleling the sea. In other areas, the Coastal Plan Access Plan provides for the acquisition and/or development of additional accessways, beyond the extensive system of State and County parks which now exist on the Sonoma coast. Development of homes on existing lots covered by this Exclusion does not have the potential for impairing public access to the coast.

The Coastal Plan states that traffic congestion along Highway One is a problem, particularly on peak summer weekends. The Plan recommends certain highway and parking improvements that would help to improve traffic flow. The Plan also recommends the construction of a future Highway One bypass around the community of Bodega Bay, where the most significant traffic congestion occurs. The Plan provides that development should be limited to the Phase 1 land use plan (development on existing lots) until such time as a Highway One bypass is provided (and additional water is available). At that time, the Phase 2 land use plan (expanded development) would be implemented.

Throughout the coastal zone, the Plan generally provides for continued residential development on existing legally subdivided lots if water, septic system and other applicable regulations can be met. The pace of residential development on the Sonoma Coast has been modest. Continued moderate growth can be accommodated by existing road systems with the improvements recommended by the Coastal Plan. Major road improvements (Highway One bypass) would be required in Bodega Bay before additional areas could be opened to residential development. As proposed and conditioned, the Exclusion has no potential for any significant adverse effect, either individually or cumulatively, on public access to or along the coast.

## 2. Trimming or Removal of Trees on State Parks Land (Category E)

Section 30240 of the Coastal Act provides that environmentally sensitive habitat areas shall be protected against any significant disruption of habit values. Commission studies have indicated that trees provide and protect wildlife habitat and enhance the biological productivity of coastal areas. Thus, trees are an

important element in environmentally sensitive habitat areas. The Commission finds that all trees which are in areas designated by the Coastal Plan to be environmentally sensitive habitat areas or riparian areas shall not be covered by this Exclusion. As conditioned, the Exclusion requires that the Sonoma County Director of the Permit and Resource Management Department review any proposed tree trimming or cutting and certify that the proposed activity will protect environmentally sensitive habitat areas.

Section 30251 of the Coastal Act provides for the protection of the scenic and visual qualities of coastal areas.

Section 30253(5) provides for the protection of special communities which are popular visitor-destination points. The natural forest of the Sonoma Coast and the planted hedgerows and windbreaks of the Sonoma Coast are important elements in the scenic and visual quality of the area. Certain old or large stands of trees serve as community landmarks and bear particular importance in establishing community character. The Commission finds that the Exclusion shall not apply to the removal or trimming of trees which have special scenic or cultural significance. The Director of the Permit and Resource Management Department is required to certify that any proposed activity under this Exclusion shall protect landmark trees or trees of special scenic or cultural significance.

Section 30243 of the Coastal Act provides that the long-term productivity of soils shall be protected. Trees provide a natural means of controlling soil erosion by acting as windbreaks and soil stabilizers. The Exclusion provides that the Director of the Permit and Resource Management Department must certify that any proposed activity protects trees which are important in the control of erosion and in the provision of windbreaks. The Commission finds that, as conditioned, this Exclusion will assure the long-term productivity of soils and will not contribute to soil erosion.

As proposed and conditioned, the exclusion of tree-trimming and tree-cutting has no potential for any significant adverse effect, either individually or cumulatively, on coastal soil resources.

### 3. Raising of Cattle, Sheep, and Other Livestock (Category F).

The Coastal Plan encourages agriculture, including grazing and dairy uses, in the coastal zone. Extensive areas of the coastal zone are zoned for agriculture under the County's Implementation Program. This Exclusion covers the raising of livestock and the construction of feedpens and other structures incidental to the raising of livestock.

Section 30240 of the Coastal Act provides for the protection of environmentally sensitive habitat areas. As conditioned, the Exclusion does not apply to construction of feedpens, or other structures incidental to livestock raising within

Sensitive Areas as mapped on the County's Open Space Map. As conditioned, the Exclusion will have no potential or any significant adverse impact, either individually or cumulatively, on environmentally sensitive habitat areas.

4. Planting and Harvesting of Crops (Category G).

The Coastal Plan and Implementation Program designate large areas of the coastal zone for agricultural use.

Much of the Sonoma County coastal zone is suited for grazing rather than cultivation of crops, but where crops are appropriate, the Exclusion covers the growing and harvesting of food and fiber crops. As condition, the Exclusion does not apply to use of mechanized farm equipment or placement of structures within Sensitive Areas as mapped on the County's Open Space Map. Thus, the Exclusion protects Environmentally Sensitive Habitat areas, consistent with Section 30240 of the Coastal Act.

5. Raising of Poultry, Rabbits, and Similar Animals (Category H).

The Exclusion covers the raising of small animals for the use of persons residing on the property. As conditioned, the Exclusion applies only to parcels with a single-family dwelling. The Exclusion is limited to the keeping of animals incidental to residential use, and it therefore presents no potential for any significant adverse effects on coastal resources.

6. Reforestation and Restoration of Timber and Agricultural Lands (Category I).

Activities covered by this category of the Exclusion Order are those which restore areas which have been subject to harvesting of timber or other agricultural products. Excluded activities include removal of slash, planting of trees, restoration of natural land contours, and similar activities. The conditions of the Exclusion require that such activities take place in accord with the Environmental Resource Management Recommendations of the Coastal Plan and other applicable County standards. The Environmental Resource Management Recommendations strictly define what activities can take place in riparian areas and other environmentally sensitive habitat areas. The excluded activities will act to improve and restore the habitat values of harvested areas. As conditioned, the Exclusion has no potential for significant adverse effects on coastal resources.

7. Maintenance of Wildlife Preserves (Category J).

This category of the Exclusion Order covers those activities which are carried on by the California Department of Fish and Game in wildlife preserves in order to maintain habitat values for fish and wildlife. As conditioned, the activities under the Exclusion, must be carried out in accord with the Environmental Resource Management Recommendations of the Coastal Plan which, provide for the

protection of environmentally sensitive habitat area, consistent with Section 30240 of the Coastal Act.

8. Construction of Agricultural Accessory Structure (Category K).

This category of the Exclusion Order covers the construction of barns, sheds, corrals, and other structures incidental to agricultural and timber operations. The conditions provide that developments are excluded only if they are located out of view of Highway One or other designated scenic roads, outside Sensitive or Hazardous Areas designated on the County's Open Space Map, and outside designated historic sites or areas, and If they meet certain other conditions. The conditions provide that excluded development will not have adverse effects on coastal visual resources, environmentally sensitive habitat areas, or historic resources, consistent with Coastal Act Sections 30251, 30240, and 30253(5).

9. Grading and Geotechnical Studies (Category L).

Section 30231 of the Coastal Act provides that "The biological productivity and the quality of Coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms...shall be maintained, and where feasible, restored through, among other means, controlling runoff,...and preventing substantial interference with surface water flow. Section 30253 of the Coastal Act states that "New development shall... neither create nor contribute significantly to erosion, geologic instability, or destruction of the site and surrounding areas.

The grading and fill exempted by this order is either limited in size, or undertaken, as part of a permitted use.

The direction of soil engineers or engineering geologists is a prerequisite of exploratory excavations permitted under subsection 1.

Only excavations limited to less than 2 (two) feet deep, or which do not create a cut slope greater than 5 (five) feet high and steeper than 1 ½ (one and one-half) horizontal to 1 (one) vertical are specified in subsection 6.

Only fill which is less than 50 (fifty) cubic yards on any one lot and does not construct a drainage course, and is less than 1 (one) foot deep, and placed on natural terrain with a slope flatter than 5 (five) horizontal to 1 (one) vertical, or less than 3 (three) feet deep, and not intended to support structures is allowed under subsection 7.

The wetlands, streams, estuaries, coastal waters and lakes protected under Section 30231 are either subject to the public trust or mapped as "Sensitive Areas". This exclusion does not authorize grading or fill in these areas without a coastal permit. The chances of runoff into these areas are minimized because the order does not exempt grading on slopes over 30%.

The order does not authorize grading of fill in any "hazardous area", as designated on the County's Open Space Map, nor on any land where the Soil Conservation Service has identified the soils as moderately to severely erodible. Only cut or fill consistent with the geologic safety policies of Section 30253 is excluded by this order.

10. Controlled Burns (Category M).

Section 30253 of the Coastal Act states that new development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Section 30414 of the Coastal Act acknowledges that the State Air Resources Board and local air pollution control districts are the principal public agencies responsible for the establishment of air quality and air pollution control programs.

Section 30243 of the Coastal Act states that the long-term productivity of soils and timberlands shall be protected.

This order exempts controlled burns of timber. In some cases, the elimination of brush and timber is necessary to promote the rejuvenation of forests or to enhance habitat values. Such burns are exempted only if they are regulated by two other environmental regulatory agencies. The Coastal Act expressly recognizes the jurisdiction of the Air Pollution Control District to monitor burns. Given the effect of controlled burns and the supervision of such burns by responsible public agencies, the exclusion is consistent with the policies of the Coastal Act.

11. Day Care Facilities (Category P).

State law requires the regulatory agency to allow the operation of day care facilities for six or fewer children in existing residences.

12. Home Occupations Within Existing Structures (Category Q).

Only home occupations which meet specific criteria are exempted. Those criteria ensure that the use does not alter the residential character of the neighborhood, and that it has no impacts upon traffic, noise, or other factors affecting coastal resources or the quality of the environment.

13. Signs (Category R).

The Exclusion covers only signs which conform to Coastal Plan design guidelines. Furthermore, excluded signs are subject to county design review conducted by the County Permit and Resource Management Department. Application of the design guidelines and design review procedures to individual signs will ensure



that coastal visual resources are preserved, consistent with Section 30251 of the Coastal Act.

14. Fences Category (S).

Fences are excluded from permit requirements because they are an accessory structure to primary uses allowed in the certified Local Coastal Plan. Conditions of the order ensure that the fence(s) will have no impact on visual resources nor have the potential for interfering with public access.

15. The Commission certified that the Categories of development excluded under this order are allowed by right in Sonoma County, have specific development standards under the certified Local Coastal Program, and are handled ministerially by Sonoma County.

16. Consistency With Coastal Act Section 30610.

As demonstrated in the findings above, the proposed exclusion is consistent with the requirements of Coastal Act Section 30610(e) and 30610.5(b).

17. California Environmental Quality Act (CEQA)

For the same reasons that this exclusion will have no potential for any significant effect either individually or cumulatively on coastal resources, this exclusion will have no significant effect on the environment for purposes of the California Environmental Quality Act of 1970. (See attached Negative Declaration).

#### **IV. CONDITIONS**

1. Maps showing excluded areas with:

- a. the appropriate approved zone district,
- b. areas of actual or potential public trust,
- c. boundaries of parcels landward of the first public road paralleling the sea, and
- d. the sensitive and/or hazardous areas depicted on the County's adopted Open Space Map.

shall be submitted for Commission Executive Director review and concurrence before the County may implement the Exclusion.

2. The County of Sonoma shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 30154 of the Commission Local Coastal Program Regulations.

3. The County of Sonoma shall, at an appropriate stage in the local approval process for the following development subject to this Exclusion, distribute to the applicant for such local approval an instruction sheet and form provided by the Executive Director of the Commission. After obtaining final local governmental approval but prior to commencing construction under this exclusion, such applicant shall send the completed form containing a brief description of the excluded development to the Commission:

In Units I and II of Bodega Harbour Subdivision:

APN 100-281-007-010  
100-029-004-010

In Taylor Tract of the First Addition to the Taylor Tract:

APN 100-008-045, 046, 054, 055  
100-009-025, 030, 031

The County of Sonoma shall notify the Coastal Commission in writing within 5 working days of its determinations that the above categories of exempted development are properly exempt from coastal permit requirements. This notice is required because the development sites are within 100 feet of a freshwater marsh.

4. Where development under this exclusion is conditioned upon conformity with the Environmental Resource Management Recommendations set out in Chapter III of the Sonoma County Coastal Plan, those "recommendations" shall be implemented as mandatory requirements.

5. Local Government Compliance with Exclusion Order:

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The order granting a categorical exclusion for these categories of development in the Central Coast Region, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

6. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(a) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.
7. Development under this exclusion shall conform with the County of Sonoma zoning ordinances in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

8. Any amendment to the certified Local Coastal Program which affects the land areas to which this exclusion applies shall require the approval of the California Coastal Commission pursuant to Commission Regulations and the Coastal Act of 1976 (Public Resources Code Section 30514).
9. Any development not falling within this exclusion remains subject to the regular permit requirements of the Coastal Act of 1976.

#### **V. RESCISSION AND REVOCATION**

Pursuant to Title 14 of the California Administrative Code Section 13243(e), The Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this may be revoked at any time that the terms and conditions of the order are violated.

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