

From: [Rue](#)
To: [Jacquelynne Ocana](#); [Caitlin Cornwall](#); Lawrence.Reed@sonoma-county.org; [Kevin Deas](#); [Eric Koenigshofer](#)
Cc: [PlanningAgency](#); [Scott Orr](#); [Gary Helfrich](#); [Cecily Condon](#); [Chelsea Holup](#); [Verne Ball](#); [Tennis Wick](#); [Leo Chyi](#)
Subject: LCP 5.22 Draft: comments from Ernie Carpenter
Date: June 29, 2022 1:27:59 PM

EXTERNAL

I'm sending these comments from our retired Supervisor because his computer is not operating helpfully. I regret I did not have them sooner to be more useful to you.

After any changes are made today, these comments may also be updated.

Thank you for your consideration.
Rue Furch on behalf of Retired Supervisor Ernie Carpenter

June 29, 2022

Permit and Resource Development

Sonoma County Planning Commission

2550 Ventura Avenue

Santa Rosa, Ca. 95403

Re: Comments on Local Coastal Plan 2022 Update

Honorable Commissioners,

General Comments: Firstly, it is difficult to comment on the Draft Local Plan as two integral parts are missing. That is the Draft Coastal Zoning Ordinance and the Administrative Manual. The introduction states "The Sonoma County LCP consists of this Local Coastal Plan (the Land Use Plan) and the Coastal Zoning Ordinance (the Implementation Plan). Much of the existing Coastal Commission-certified Administrative Manual component of the Sonoma County Local Coastal Program has been incorporated into this updated Local Coastal Plan. (Intro p.2) The public is at a disadvantage particularly with a new element, Water Resources, as "standards applicable to development on residential land may be included in the Coastal Zoning Ordinance and local area design guidelines" will trail these hearings (2.5 RESIDENTIAL LAND USE)

That deferral is continued here as well “5.1 AGRICULTURAL RESOURCE IMPLEMENTATION PROGRAMS Program C-AR-1: Update the agricultural zoning districts to be consistent with the policies of the Agricultural Resources Element.” What will this consistency look like? What is being deferred? Potentially added?

Again, in the Timber Resource: “Additional resource, recreation, or community serving uses and structures accessory to and compatible with the primary use and consistent with the Local Coastal Program may also be allowed subject to permitting requirements of the Coastal Zoning Code. (LU-9: Principally Permitted uses)”. You are perhaps proposing to defer significant policies that should be part of this Hearing.

Specific Comments:

Policy C-LU-2a: The Urban Residential land use category shall be applied only within the Urban Service Boundary of Bodega Bay. Densities of one unit per acre or lower shall be maintained in other communities.

Comment: Should the LCP not define “... or lower”? What is the minimum parcel size allowed in “Other communities?” What is “or lower”? This is a handicap to the public, property owner and the developer. Densities should be spelled out in square footage and not “or lower” language.

4.1 LAND USE IMPLEMENTATION PROGRAMS Program C-LU-1: Establish (Add“limiting”)performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider; requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where high concentration of vacation rental would impact environmentally sensitive habitat areas, water quality, or coastal access and develop land use policy to avoid these impacts. (NEW)

Change to Establish “limiting” performance standard.

Program C-LU-2: Draft an ordinance to allow workforce/employee housing in the coastal zone. The ordinance is intended to support coastal priority land uses including commercial fishing, resource dependent uses, recreation, and visitor serving commercial uses. Ensure that workforce/employee housing supports priority uses, is scaled and located appropriately for the size of the supported use and surrounding neighborhood, protects coastal resources and scenic views, has adequate water and waste management, supports reduction of greenhouse gas emissions, and is not vulnerable to climate change-related impacts including coastal bluff erosion and sea level rise for the life of the project. (NEW)

Comments: This policy is open-ended. It does not specify zoning Districts and conflicts with other LCP policies:

It Conflicts with:

Objective C-AR-2.2: Maintain the Bodega Bay Urban Service Area Boundary and Rural Community Boundaries to protect agricultural land for continued agricultural production.

Objective C-AR-2.3: Limit extension of sewer and other urban services beyond the Bodega Bay Urban Service Area Boundary and Rural Community Boundaries.

The Fishing Related section is a can of worms. It appears to conflict with the State Cortese-Knox legislation, LAFCO sphere of influence policies, and long-standing County Health policy of extending services that is agreed to by the Water Quality Control Board. That of extending public services beyond the Urban Service Boundary. Firstly, the application is broad including bait shops. (2.3 Commercial Land Use: Commercial fishing uses include fish buying and selling facilities; warehouses for storage of fishing gear, boats, and trailers; and related accessory structures and uses including fishing supply stores and bait and tackle shops.)

Policy C-LU-2g: Notwithstanding the provisions of the Public Facilities and Services Element, connection of sewer service to the Bodega Bay Public Utilities District shall be allowed for uses that directly relate to and support the fishing industry in Bodega Bay and that cannot be located within the Urban Service Area. An out-of-service area agreement shall be used in such cases. (GP2020)

Comment: The BPUD is an independent District. It does not have capacity for either sewer or water connections outside District boundaries. Traditionally the General Plan and Specific Plans have named specific parcels for future development by Assessor Parcels number. Rather than a general fishing expedition that most likely would not stand the test of law, that should be the case here. Designation such parcels in the LCP by AP number.

Delete this Policy C;Lu-2g or designate parcels for future consideration.

Policy C-LU-2f: Fishing related industrial uses that require public services shall be located near Bodega Bay. Other fishing related commercial and industrial uses shall be considered coastal dependent uses. (GP2020)

Comment: There is no definition for “near” in the LCP Glossary. There is no limiting fish related to a Zoning District. I am sure that “locating near” is not taught in any Planning school.

Designate specific parcels by A.P number or delete this policy

Objective C-AR-7.2: Provide opportunities for development of support facilities for the fishing industry on appropriate lands

Comment: There is no definition for appropriate lands in the Glossary nor any restriction to a particular Zoning District. There is no Zoning Designation called

“Appropriate”.

Either designate appropriate parcels by A.P number or delete this section.

Policy C-AR-7b: Support facilities for the fishing industry, including but not limited to equipment storage, processing facilities, and canneries may be allowed on lands designated for agricultural land use adjacent to the Urban Service Boundary of Bodega Bay. If the facility or use requires urban services, extension of such services on lands adjacent to the Urban Service Boundary may only be permitted for that purpose. Ensure that such uses are clearly subordinate to on-site aquaculture production and do not adversely affect agricultural production in the area. Et seq.

Comment: What does adjacent mean? Is this an appropriate legal term? Would contiguous be a more appropriate term? Is it contiguous by Zoning or

Clarify the meaning of “Adjacent”. Does that purpose include “bait shops?”

Specify parcels by A.P number. In the alternative change adjacent to contiguous. Or delete altogether as it conflicts with other LCP policies, Cortese Knox and a long standing County outside service agreement policy.

Program C-AR-1: Update the agricultural zoning districts to be consistent with the policies of the Agricultural Resources Element.

Comment: This is the time to update and make consistent policies. Is this is being deferred as a proposed amendment to a future LCP not yet adopted?

Clarify and adopt those policies as a part of this update and not defer to some future time.

Policy C-OSRC-5b(2): The following criteria shall be considered when determining whether an area should be designated ESHA

(11) Tree stands that support raptor nesting or monarch populations

Add “heron rookery” to this policy section (11).

Other Initiative C-WR-11: Cooperate with public water suppliers in planning, developing, and constructing storage and transmission facilities needed to supply water pursuant to adopted Local Coastal Plan policies, urban water management plans, water supply agreements, master facilities plans and, where applicable, programs to mitigate identified groundwater overdraft conditions. (GP2020)

Comment: By way of history, there were three pipeline transmission route proposals to send water to the coast in 1975. They were soundly rejected by the public and lead to a change in the Board of Supervisors from a development-oriented Board to election of two new growth control Supervisors. This is an ill adviser growth inducing

policy. It is ill advised politically and for the following reasons:

- Cost 2) there is no Russian River water allocation (Lake Sonoma) for Bodega Bay 3) there is soon to be short supply for existing contracted water users 4) it is growth inducing 5) the “Pursuant to Local Coast Plan policies” is contradictory and not in any detail for public understanding 6) the County Water Agency has no adopted plan for future water supply for current users.

Delete reference to transmission facilities. In the alternative insert the word “local transmission facilities” meaning within the existing BPUD or Sea Ranch water system boundaries.

6 WILDLAND FIRE HAZARDS POLICY

GOAL C-PS-5: Prevent unnecessary exposure of people and property to risks of injury or damage from wildland and structural fires.

Comment: This policy section is inadequate from start to finish. It is the weakest element of the LCP draft update particularly given the recent history of wild fires and drought and rain fall predictions of the future. You have comprehensive long range climate change policies but fail to deal with the immediacy of Coastal fire danger. This Draft LCP fails to deal with encroachment of tourism and developments within forested areas of the areas of coastal jurisdiction north of the Russian River. The policies do not relate to map C-PS-6A, Wildland Fire Threat. It may be too hot to handle given the County’s protestation of the California Department of Forestry limitations on discretionary development when road widths are substandard.

Policy question: What is the allowable road width for tourist commercial development in the Coastal Zone?

Potential policies for fire hazard areas including forested areas:

- Ensure that that visitor serving development meets CDF road standards for safe development.
- Limit intrusion of bed and bread and breakfast and guest serving facilities in fire hazard areas
- Ensure safe evacuation routes for guests and visitors including more than one public road for egress and ingress to any guest serving facility
- Consult with local fire agencies and adopt recommended safe guards for any discretionary development in forest or fire hazard areas

Direct Staff to consult with Sonoma County Fire Agency and develop policies to

protect the public, forest, property owners and fire fighters from inappropriate development and encroachment into fire hazard areas. Those policies should include specific prevention and remedial requirements, water storage and construction standards for ingress and egress and hardening structures against fire.

Thank you for the opportunity to comment. I limited my comments to what I think are significant issues. There are areas where encourage is too weak and mandate is called for. Given that the Zoning Ordinance is the implementing tool, I have deferred comment on those words in the Local Coastal Plan. When dealing with the Coast, it is recommended that the most limiting language be used. Remember, "The Coast is always being protected." Peter Douglas.

Sincerely,

Ernie Carpenter,

4945 Ross Road

Sebastopol, Ca. 95472

County Supervisor 1981-1997,

Coastal Commissioner or Alternate 1981-1997,

LAFCO Commissioner 1981-1997,

Sonoma Coastal Advocate 1969 until death.

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