



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission **STAFF REPORT**

FILE: ORD23-0001
DATE: February 02, 2023
TIME: At or after 1:00 PM
STAFF: Wil Lyons

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Address: Countywide
Supervisory District(s): All

Description: Zoning Code Text Amendments to Prohibit New Retail Fuel Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Retail Fuel Stations

CEQA Review: Exempt per CEQA Guidelines sections 15061(b)(3), 15307, 15308

General Plan Land Use: N/A

Specific/Area Plan Land Use: N/A

Ordinance Reference:

Zoning: N/A



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the that the Planning Commission adopt the attached resolution to recommend adoption of Zoning Code Text Amendments to prohibit new retail fuel station development and to prohibit the expansion of retail fuel infrastructure for retail fuel stations while allowing for continued Non Retail Fuel Station development, and expansion of Article 94 of the Zoning Ordinance: Nonconforming Uses.

EXECUTIVE SUMMARY

Planning staff have drafted an ordinance to prohibit the development of new retail gas stations – referred to as fuel stations throughout this report – and to prohibit expansion of retail fuel station infrastructure, such as the addition of fuel dispensers or fuel storage capacity to existing retail fuel stations within the unincorporated county. The Sonoma County Regional Climate Protection Agency (RCPA) Board adopted the Sonoma Climate Mobilization Strategy in March 2021. The strategy sets a target of carbon neutrality by 2030, and outlines 13 countywide strategies focused on high impact measures to reduce greenhouse gas emissions and increase carbon sequestration. Transportation produced approximately 60% of Sonoma County’s greenhouse gas (GHG) emissions in 2018. To achieve the target of carbon neutrality by 2030, Sonoma County must reduce vehicle miles traveled (VMT) by increasing transit ridership, biking, and walking. Sonoma County must also reduce fossil fuel consumption by replacing fossil-fuel-powered vehicles with electric vehicles. On March 1, 2021, the City of Petaluma became the first jurisdiction in the country to adopt a ban on new gas stations. The cities of Santa Rosa and Windsor have recently approved fuel station bans, and other incorporated areas are expected to present their bans to their City Councils in the future (see Local Jurisdictions table below). The proposed ordinance would align allowed uses in the Zoning Ordinance with RCPA’s Sonoma Climate Mobilization Strategy, the County’s General Plan, and the County’s climate goals adopted in the 2018 Climate Action Resolution.

PROJECT SITE AND CONTEXT

Background

In 2018, the state passed SB100 which dictated that all retail electricity in California would be produced with renewable and zero-carbon resources by 2045. Between 2018 and 2021 the County of Sonoma and each of its incorporated cities adopted Climate Emergency Resolutions and committed to continue working towards addressing the climate emergency. Governor Newsom has directed the State to ban the sale of all non-zero emission vehicles in California by 2035. To begin an effective transition away from fossil fuels, Petaluma became the first city in the country to ban new fuel stations within city limits. Shortly thereafter, Sonoma County RCPA adopted a goal to achieve carbon neutrality in Sonoma County by 2030. Since then, multiple cities in the county have banned new fossil fuel stations to secure a strong position in the zero-emissions future.

As human activities are the leading driver for climate change and greenhouse gas emissions are the primary reason for these climate impacts, the County is seeking to be proactive and prevent future construction of fossil fuel dispensing uses, limiting our community’s dependency on fossil fuel in the future.

Transportation produced approximately 60% of Sonoma County’s greenhouse gas (GHG) emissions in 2018. To achieve the target of carbon neutrality by 2030, Sonoma County must reduce vehicle miles traveled (VMT) by increasing transit ridership, biking, and walking; and reduce fossil fuel consumption by replacing fossil fuel powered vehicles with electric vehicles. The magnitude of the climate crisis requires us to accelerate the transformation to a zero-emission transportation system.



An Electric Vehicle is only as environmentally friendly as the source of its electricity. Sonoma County is at the forefront of green electricity generation. This will compound the positive effects of transitioning to an electric-based transportation model.

In addition to supplying the fuel that emits greenhouse gases when burned to power vehicles, gasoline stations also pose significant impacts on public health and the environment such as toxic air pollution, surface water runoff, and leaking underground storage tanks.

As of 2016, Sonoma County had roughly 158 fuel stations primarily concentrated along major transportation corridors. All jurisdictions have adopted urban growth boundaries and other land use policies designed to facilitate city-centered growth and prevent sprawl. With these policies in place, it is highly unlikely that significant new development will occur in locations not already well served with existing gas stations. There are roughly 46 fuel stations in the unincorporated county, with 7 in the Coastal Zone which would continue to meet demand into the future.

PROPOSED AMENDMENT

The proposal is to amend the Zoning Ordinance to prohibit the development of new retail fuel stations or the expansion of existing retail fuel stations. Existing retail fuel stations that were operational prior to the adoption of the proposed ordinance would be treated as nonconforming uses and would be subject to Article 94 of the Zoning Ordinance, which would provide limited allowances for environmental/public safety upgrades and repairs to existing facilities. Note that this project does not propose changes to the Coastal Zoning Ordinance.

As options for the Planning Commission's consideration, staff have provided further details to codify limitations and allowances for these Nonconforming Fuel Stations. Staff have also provided options that should help existing fuel stations find alternative models to adopt into the future:

- Allowing for continued new fueling facilities in support of business uses that are likely to continue needing fossil fuels into the future without offering the sale of gasoline or diesel fuel to the public. This is accomplished by defining general retail fuel stations, changing the existing "Fuel Station" definition to "Fuel Station, Retail" and adding a definition and standards for "Fuel Station, Non-Retail." Non-Retail facilities would be closed to the public and would be only available in support of an approved land use, subject to permitting and CEQA analysis. Current examples of these are the fuel stations found at large equipment rental facilities and the Sonoma Raceway.
- A total ban of all new fuel stations would maximize reductions in greenhouse gas emissions, however it would could be seen to disproportionately burden agricultural, commercial, and industrial operations that are likely to rely on fossil fuels into the future.
- Expanding Article 94 of the Zoning Ordinance which regulates Nonconforming Uses would address concerns in maintaining and operating existing fuel stations into the future. Fuel stations have unique properties that are important to address in terms of environmental and public safety. However, Article 94 currently allows a large scope of review that this code could restrict.

Staff also explored codification of hydrogen fuel infrastructure and stations to support State goals and provide more options for zero-emissions transportation as part of this project. However, due to concerns with the nascent state of the technology, and unknown environmental issues, staff recommends waiting to implement

Land Use codes regarding hydrogen fueling stations until the technology becomes more widespread and more data is available.

Regulatory History

The table below summarizes key events and legislation to date.

Date	Project Event/Milestone
2013	Assembly Bill 8- Required establishment of at least 100 hydrogen fueling stations to being marketization of the fuel and promote H-FCEVs
01-26-2018	Executive order B-48-18 requires 200 hydrogen stations by 2025. The Order also directs all state entities to work with local government and private sector to ensure at least 5 million zero-emission vehicles on California Roads by 2030 and the creation of 250,000 zero-emission vehicle charging stations to support the vehicles
05-08-2018	Sonoma County Board of Supervisors adopted Climate Action Resolution #18-0166
09-09-2019	Sonoma County Regional Climate Protection Authority adopted a Climate Emergency Resolution, and new fuel stations are not consistent with this policy
09-23-2020	Governor Newsom issued Executive Order N-79-204 setting 2035 as the year by which all new vehicles sold in California must be zero-emission
03-01-2021	City of Petaluma became the first local government in the nation to adopt a prohibition on new fuel station land uses within their boundaries
03-08-2021	Sonoma County Regional Climate Protection Authority adopted a Sonoma Climate Mobilization Strategy which sets a goal of reaching countywide carbon neutrality by 2030

Local Jurisdictions

The Table below summarizes prior actions undertaken by local jurisdictions.

Date	Authority	Action Taken
03/01/2021	City of Petaluma	Permanent ban approved by City Council.
03/22/2022	City of Rohnert Park	Permanent ban approved by City Council.
04/19/2022	City of Sebastopol	Permanent ban approved by City Council.
06/28/2022	City of Cotati	Permanent ban approved by City Council.
08/23/2022	City of Santa Rosa	Permanent ban approved by City Council.
10/02/2022	Town of Windsor	Permanent ban approved by Town Council.

General Plan and Area Plans with Consistency Analysis

The following General Plan and Area Plan policies are applicable to the project:

OBJECTIVE CT-1.4: Reduce the need for future automobile use by a combination of improvements and land development policies that give equal favor to alternate modes as to automobile use.

This objective and subsequent policies seek to increase reliance on public transportation as a means to limit greenhouse gas emissions. Limiting options for fossil fuel infrastructure will likely have a positive effect on public transit ridership while also directly decreasing fossil fuel emissions into the future.

GOAL LU-11: Promote a sustainable future where residents can enjoy a high quality of life for the long term, including a clean and beautiful environment and a balance of employment, housing, infrastructure, and services.

Research has shown that fossil fuels are a leading driver of human induced climate change which poses a direct and immediate threat to the health and safety of Sonoma County residents into the future. Adoption of a prohibition against new retail fuel stations would help limit the effects of climate change while encouraging a transition to a zero emissions future.

Policy LU-11a: Encourage reduction in greenhouse gas emissions, including alternatives to use of gas-powered vehicles. Such alternatives include public transit, alternatively fueled vehicles, bicycle and pedestrian routes, and bicycle and pedestrian friendly development design.

Prohibiting new retail fuel stations directly supports this policy and will encourage development of zero emissions transportation infrastructure including electric vehicle charging. Combined with the County's industry-leading green electricity generation it will help to drastically reduce greenhouse gas emissions in the County.

Policy LU-11b: Encourage all types of development and land uses to use alternative renewable energy sources and meaningful energy conservation measures.

Prohibition of the development of new retail fuel stations will encourage development of zero emissions transportation infrastructure including electric vehicle charging. Combined with the County's industry-leading green electricity generation it will help to drastically reduce greenhouse gas emissions in the County.

Policy LU-11c: Encourage the use of alternatives to harmful chemicals, heavy metals, and synthetic compounds.

Gasoline and Diesel fuels have been shown to have harmful effects on the surrounding environment. Prohibiting the development of new retail fuel stations will help to limit this pollution and the dangers it poses.

Policy LU-11j: Support efforts and partnerships with agencies, organizations and other jurisdictions that improve technology for reducing dependence on nonrenewable resources, harmful chemicals, and manufactured substances that accumulate in nature, and activities that harm life sustaining ecosystems.

Several neighboring cities including Petaluma and Santa Rosa have already approved such bans. This ban will work in concert with those in the incorporated cities and maximizes the reduction in emissions.

Open Space and Resource Conservation Element 7.1: "Reduction in energy demand can be achieved in many ways. Land use strategies include compact development form and promotion of mixed uses. Energy used for transportation can be reduced through increased use of pedestrian and bicycle travel, public transit, and **alternative fuels**. Other strategies include improved construction standards and agricultural practices, solid waste management, and education.

Sonoma County has led the way in programs designed to conserve energy in County operations, including building audits, lighting retrofits, and **electric and hybrid fleet vehicles**. The County has also initiated the



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Sustainable Policies and Practices Project that aims to monitor and reduce energy use in all County operations on an ongoing basis. In 2005, Sonoma County became the first county in the nation where the County and all of its cities pledged to measure and reduce their greenhouse gas emissions by 25 percent below 1990 levels by 2015. Reducing energy demand is the primary strategy for meeting this target. Much more work is needed to ensure that the County's efforts are coordinated with evolving State and Federal initiatives."

This effort is a direct result of these objectives and the general environmental conservation efforts of the General Plan. Banning retail fuel stations directly supports this policy as electric and zero emissions vehicles present more energy conscious forms of transportation and inherently do not create local greenhouse gas emissions while minimizing the effects of runoff of these chemicals into the fragile water systems.

Objective OSRC-14.4: Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2015.

Banning retail fuel stations directly supports this objective as electric and zero emissions vehicles present more energy conscious forms of transportation and inherently do not create local greenhouse gas emissions. Combined with the County's industry-leading green electricity generation it will help to drastically reduce greenhouse gas emissions in the County.

Policy OSRC-14c: Continue to purchase and utilize hybrid, electric, or other alternative fuel vehicles for the County vehicle fleet; and encourage County residents and businesses to do the same.

Banning retail fuel stations directly supports this policy as banning fossil fuel distribution will encourage a transition electric and zero emissions vehicles present more energy conscious forms of transportation.

Policy OSRC-14g (3): Collaboration with local, regional, and State agencies and other community groups to identify effective greenhouse gas reduction policies and programs in compliance with new State and Federal standards.

Incorporated cities including Petaluma and Santa Rosa have already approved such bans. This ban will work in concert with those in the incorporated cities and maximizes the reduction in emissions. Banning fossil fuel stations directly supports this policy as electric and zero emissions vehicles present more energy conscious forms of transportation.

GOAL OSRC-16: Preserve and maintain good air quality and provide for an air quality standard that will protect human health and preclude crop, plant and property damage in accordance with the requirements of the Federal and State Clean Air Acts.

Objective OSRC-16.1: Minimize air pollution and greenhouse gas emissions.

Banning retail fuel stations directly supports the Goals and Objectives above as electric and zero emissions vehicles present more energy conscious forms of transportation and inherently do not create local greenhouse gas emissions. Combined with the County's industry-leading green electricity generation it will help to drastically reduce greenhouse gas emissions in the County.

Water Resources Element: The objectives of the water quality laws and programs described above include the protection of groundwater quality. Some groundwater naturally contains dissolved elements that can cause health problems, depending on the concentrations and combinations of the substances present. According to



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the RWQCBs, groundwater also is often polluted by human activities generating plumes of contaminants such as microorganisms, **gasoline and diesel fuels**, solvents, nitrates, pesticides, pharmaceuticals, and metals. The underground flow and concentration of these contaminants and ocean saltwater can be influenced by the extraction of groundwater and changes in levels of groundwater and surface water.

GOAL WR-1: Protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all reasonable beneficial uses.

Objective WR-1.2: Avoid pollution of stormwater, water bodies and groundwater

Policy WR-1g: Minimize deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater.

Banning retail fuel stations directly supports the applicable Goals, Objectives, and Policies of the Water Resources Element listed above as electric and zero emissions vehicles present more energy conscious forms of transportation and inherently do not create local greenhouse gas emissions while minimizing the effects of runoff of these chemicals into the fragile water systems.

Penngrove Area Specific Plan:

Air Quality: The primary source of air pollution in Penngrove is vehicle emissions. County General Plan analysis of traffic flows in the Penngrove area indicated that air quality standards can be met, particularly if scheduled emission standards are retained and enforced.

- (1) Both point source and cumulative traffic-generated emissions should be evaluated for potential adverse air quality impacts for major developments and these developments should proceed only if air quality impacts can be mitigated.

The Air Quality element of the Penngrove Area Specific Plan specifically mentions that vehicle emissions are the primary source of air pollution and seeks to avoid adverse effects on the air quality of the area from proposed development. Banning retail stations moving forward will work to this end and reinforce outcomes from this policy.

Petaluma Dairy Belt Area Specific Plan

C. Air Quality: Goal 1: It shall be the goal of this Area Plan to have a transportation system that minimizes air pollution.

Banning retail fuel stations moving forward will work to this end minimizing pollution into the future.

ANALYSIS

General Plan Consistency

Prohibiting new retail fuel stations will primarily be an update to existing ordinances comprised of several parts:



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1. Fuel Stations, as defined in Zoning Ordinance Sec. 26-26-080, will become a disallowed use in all zoning districts.
2. Existing fuel stations will be allowed to continue under a Legal Nonconforming status
3. A section will be added to Article 94- Legal Nonconforming regarding Fuel Stations to allow minimum upgrades for environmental and public safety if there are significant technological improvements.

The proposed ban on retail fuel stations is consistent with the General Plan in both the intent and scope of policies, goals, and objectives contained therein. It is also consistent with adopted specific area plans and targets set by the State of California, the United States, and world climate authorities.

ENVIRONMENTAL ANALYSIS

Adoption of an ordinance amending the Zoning Code to prohibit new retail fuel stations and prohibit expansion of fossil fuel infrastructure for existing retail fuel stations is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15307 and 15308 because this constitutes an action taken by a regulatory agency to protect natural resources and the environment.

In addition, the proposed Ordinance is exempt from CEQA pursuant to the “common sense” exemption under CEQA Guidelines section 15061(b)(3), because there is no possibility that the Ordinance might have a significant effect on the environment.

Permit Sonoma has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines section 15300.2.)

RECOMMENDATIONS

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the that the Planning Commission adopt the attached resolution to recommend adoption of Zoning Code Text Amendments to prohibit new retail fuel station development and to prohibit the expansion of retail fuel infrastructure for retail fuel stations while allowing for continued Non Retail Fuel Station development, and expansion of Article 94 of the Zoning Ordinance: Nonconforming Uses.

ATTACHMENTS

1. MAPS- TO BE ADDED AT A LATER DATE
2. ORDINANCE DOCUMENT
3. RESOLUTION
4. POLICY OPTIONS

