



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission Draft Minutes

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
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February 3, 2022
Meeting No.: 22-03

Roll Call

Commissioner District 1 Cornwall
Commissioner District 2 Reed
Commissioner District 4 Deas
Commissioner District 5 Koenigshofer
Commissioner District 3, Chair Ocana

Staff Members

Scott Orr, Deputy Director
Gary Helfrich, Staff
Chelsea Holup, Secretary
Verne Ball, Deputy County Counsel

1:00 PM Call to order, Roll Call and Pledge of Allegiance.

Approval of Minutes January 13, 2022

Correspondence

Board of Zoning Adjustments/Board of Supervisors Actions

Commissioner Announcements

Public Comments on matters not on the Agenda: None

Items scheduled on the agenda

Planning Commission Regular Calendar

Item No.: 1
Time: 1:05 PM
File: Sonoma County Local Coastal Plan Update (PLP13-0014)
Applicant: County of Sonoma
Owner: Not Applicable
Cont. from: July 26, 2021
Staff: Gary Helfrich
Env. Doc: The project is statutorily exempt from the California Environmental Quality Act (CEQA) as per Section 15265, Adoption of Coastal Plans and Programs. CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government, necessary for the preparation and adoption of a local coastal program.

Proposal: The State requires Sonoma County to develop and maintain a Local Coastal Program to regulate land use and protect coastal resources in compliance with the Coastal Act. The Revised Public Review Draft - June 2021 of the Local Coastal Plan Update was developed in response to public and agency comments on the Public Review Draft - 2019 and in response to changed conditions along the Sonoma County Coast since the certification of the 2001 Local Coastal Plan.

Sonoma County Planning Commission will resume the virtual public hearing opened on July 26 2021 to receive public comment and consider recommendations on the Public Review Draft of the Local Coastal Plan to the Board of Supervisors in which all interested persons are invited to attend and provide comments. The Planning Commission will review the Local Coastal Plan on an element by element basis and anticipates considering the **Land Use Element** and **Open Space Element** in this meeting.

The Planning Commission will review and recommend elements of the Local Coastal Plan at subsequent meeting of this continued hearing on a monthly basis. As of the date of this agenda, future meetings are anticipated for **March 3, 2022**, and **April 7, 2022**. At the conclusion of each meeting, the Planning Commission will announce elements to be considered at the next scheduled meeting.

APN: Various within the Fifth District.
District: All Item of County Wide Importance.
Zoning: All Parcels within the Sonoma County Coastal Zone, CC (Coastal Combining District).

Commissioner Disclosures: **Commissioner Cornwall** met with Suzanne Smith, Transportation and Public Works, and Tanya Narrow County Regional Climate Protection Authority about topics related to LCP like sea level rise and activities that the county is undertaking to prepare for sea level rise. **0h5m**

Gary Helfrich summarized the staff report, which is incorporated herein by reference. **0h7m**

Commissioner Questions:

Commissioner Koenigshofer asked if staff could cluster all Coastal Commission comments in one tab on website? **0h15m**

Staff Gary Helfrich responded. **0h15m**

Sea Level Rise update: **0h20m**

Commissioner Cornwall asked about height of sea level rise onto the maps? **0h25**

Staff Gary Helfrich responded. **0h25m**

Commissioner Cornwall Susan Smith TP Authority her opinion was 10 feet might be enough but it might not.

Staff Gary Helfrich responded. **0h27m**

Commissioner Koenigshofer within 10 year 20 inches? Could you send a submittal Memo out that explains this information plus the source? **0h29m**

Staff Gary Helfrich responded. **0h29m**

Commissioner Deas likes this approach. **0h29m**

Commissioner Cornwall I agree that level of certainty decreases pretty quickly as we go further into the future, these are reasonable bins I just think there's still more to discuss about what is the level that we're going to assign to each of these and I keep coming back to there's the idea of US private house, maybe being subject to

different rules, but in my mind more compelling distinctions are about how long a structure or a US is meant to last. So, if something is going to be permitted it's meant to last 75 years or 100 years I don't know it needs to be at least 10 feet. Whereas something that's not going to have a longer life or that's easy to move like a like a trail and a park and it was important to assign it a worst case sea level rise number. **0h30m**

Staff Gary Helfrich responded through the Chair so the direction I think I was looking for I think i've received, which is putting things in these three bins is an approach supported by the Commission, I just want to be sure, before we put a lot of time into research and coming back with a full report that we're not going down a rabbit hole, what I heard is concurrence with this approach and that, Commissioner, a quick memo on the sources were using and a little bit more background and how the predictions are being created does that sum it up?
0h31m

Commissioner Koenigshofer mapping out the life of structures would be helpful. The timeline plus show your work, I mean i'm not saying that your work, but just so people can understand where it comes from, and then secondarily having this staged information, with obvious footnote, that the further out you get the more flex there is in its accuracy, but you know, then I want to figure out what tools we need to focus on the first 10 years and then the second 10 years because that is the window of the document. **0h33m**

Cultural Resources review **0h35m**

Staff Gary Helfrich Looking for recommendation from Commission. **0h36m**

Commissioner Ocana stated she would like the Office of Equity included. **0h37m**

Staff Scott Orr stated all Departments are charged with working closely with the Office of Equity. LCP is broadly outfacing. Caution including a specific reference to another department in this document. Name changes and or County structure changes. CAO may also have preferences in the future for structural changes.
0h39m

Commissioner Ocana requested that Staff come back with confirmation that they have been working with the Office of Equity. **0h39m**

Scott Orr will follow up on that request. **0h40m**

Commissioner Koenigshofer is this in the standard referral procedure? **0h40m**

Staff Scott Orr responded. **0h40m**

Commissioner Ocana would like a formal avenue or request to the office of Equity. **0h41m**

Staff Gary Helfrich does the Commission concur with the recommendation subject to reaching out to Office of Equity? **0h42m**

Commissioner Koenigshofer requested more outreach beyond Landmarks Commission. **0h43m**

Public Facilities review **0h44m**

Staff Gary Helfrich explained Public health vs capacity DWR. **0h47m**

Commissioner Deas asked what are some actionable implications for failing?

Staff Gary Helfrich responded must have adequate preserves and have long term ability to serve customers.
0h48m

Scott Orr how much does DWR like new systems right now? **0h49m**

Gary Helfrich Responded close to zero. **0h50m**

Commissioner Koenigshofer how is capacity determined? **0h51m**

Staff Gary Helfrich responded this is suggested as an annual report the Commission can change this to every five years. **0h51m**

Gary Helfrich we can adjust how long we allow homes to remain on properties. We are putting it on the operating plants to show it has the capacity. **0h55m**

Counsel Verne Ball clarified it's still Water Resources Control Board not the Department of Water we get confused because it means the Department of Water Resources, but there's also a division of water rights within the State Water Resources Control Board, but here it's Drinking water regulation was recently moved from public health in California, to the State Water Resources Control Board, which was a big deal, but the public water systems are as Gary was outlining and there are other regulated systems that are smaller than that they're called small water systems, I believe that are regulated by County Environmental Health so there's a division of Labor between the State water resources Control Board and Environmental Health Department Kenny from the Environmental Health Dept. helped us to the size of the system and who regulates and why. **0h58m**

Commissioner Cornwall in favor but provide a report based on capacity. Suggested a frequency of every two or three years for reporting. **0h58m**

Commissioner Ocana asked can lay people complete these reports or do they have to hire a professional? **1h0m**

Staff Gary Helfrich responded. **1h1m**

Scott Orr when looking at polices there may always be a burden on the public as well as staff. Important to leave it open so when we get into the implementation plan we can accordingly. **1h3m**

Commissioner Koenigshofer stated he has an issue with carrying capacity. Not opposed to idea but would like to understand how it might play out.

Staff Gary Helfrich responded with a new policy action. **1h04m**

Commissioner Ocana what would make it more simple? A smaller report or less often? I disagree gave example of a large campground.

Staff Gary Helfrich responded. **1h07m**

Staff Scott Orr suggested considering only for Discretionary projects. **1h12m**

Land Use: Public Facilities **1h13m**

Staff Gary Helfrich recommended this be incorporated in the Land Use Element. **1h14m**

Commissioner Reed asked how does this overlap with the State requirement for ground water management Act? **1h14m**

County Counsel Verne Ball the basin in the Coast does not qualify. **1h15m**

Commissioner Cornwall stated can we put something in like, "will not allow an increase in total water demand."

Staff Gary Helfrich responded I will bring back revisions to the Commission. **1h16m**

Gary Helfrich will bring back a draft to the Commission **1h20m**

Land Use: Principally Permitted Use **1h21m**

Commissioner Koenigshofer question Coastal requirement is a singular use but not principle use. How is that determined how much of impact the secondary use might have? **1h24m**

Staff Gary Helfrich responded principle use is about process. **1h24m**

Land Use: Offshore Energy **1h25m**

Commissioner Koenigshofer agrees with proposed. **1h27m**

Commissioner Ocana agrees with proposed. **1h27m**

Commissioner Cornwall agrees with proposed. **1h27m**

Land Use -Housing **1h28m**

Commissioner Deas asked what does barrier free design mean? **1h33m**

Staff Scott Orr responded. **1h33m**

Commissioner Ocana stated I agree with the proposed but would like to see it elaborated more point to ADA or other aging in place language. **1h34m**

County Counsel Verne Ball stated there are existing building codes for accessibility. Would have to look at the law on this. Public facilities have stricter rules than a private residence. **1h35m**

Scott Orr recommend we visit this in the implementation stage. **1h36m**

Commissioner Reed agrees with policy. At minimum it becomes a discussion for the developer. **1h37m**

Staff Gary Helfrich stated that it could be used as an educational talking point. **1h39m**

Commissioner Koenigshofer discussed. **1h39m**

Commissioner Ocana is there any other areas that could be affected by this? Do not want to pigeon hole into only Bodega Bay. **1h41m**

Staff Gary Helfrich responded. **1h42m**

Commissioner Deas agreed leave it broader. **1h43m**

Commissioner Koenigshofer Bodega Bay is the only treatment plant on the coast. Concern that we not let the system get eaten up by market rate housing. We need to leave some capacity for workforce housing. **1h45m**

Staff Gary Helfrich responded agreed with identifying it with Bodega Bay. The second part we do not want to restrict we want to make it neutral . Prohibit new connections unless there is moderate or low income connections. **1h47m**

Commissioner Ocana asked is staff putting together a draft policy that will trigger public input? **1h49m**

Commissioner Koenigshofer requested drilling down into a specific place and idea. **1h52m**

Commissioner Cornwall agree with intent but wording should be clarified. **1h53m**

Staff Gary Helfrich responded should staff change to reserve capacity? Would that be clearer? **1h53m**

Scott Orr how much is the capacity? We need to name the capacity. **1h55m**

Commissioner Koenigshofer can we table this and discuss at later date? **1h56m**

Staff Gary Helfrich responded. 1h56m

New Program C-LU-1 x:

Staff Gary Helfrich highlighted inland areas such as Forestville, Sebastopol ect to work with in near proximity. 2h0m

Commissioner Cornwall asked if we can do anything more? 2h0m

Scott Orr responded we do have two processes in parallel but timing is challenging at the moment. 2h3m

Commissioner Koenigshofer suggested taking out last sentence. 2h3m

Scott Orr agreed with striking the last sentence. 2h4m

County Counsel Verne Ball commented about Coastal Commission Act. The question Gary has the Commission staff, the coastal Commission staff comment on this, the broad observation I have is that Commissioners here are making really intelligent smart policy observations about the relationship between the coastal zone and the non coastal zone, but the LCP regulates the coastal zone, I would anticipate a comment, like a policy like this doesn't belong in an LCP. And I just that's not a criticism it's just a legal perhaps conclusion that that they might come back with but I don't know if Gary is already broached this with them. 2h7m

Staff Gary Helfrich responded policy does not contradict the Coastal Act. 2h8m

Commissioner Koenigshofer commented this is not incompatible with the Coast Act. 2h10m

Land Use Timber Cove 2h10m

Gary Helfrich Presenting to the Commission as a request from the Timber Cove Inn. 2h12m

Commissioner Ocana purpose of specifics? What are we aiming for? 2h13m

Staff Gary Helfrich responded 2h13m

Commissioner Koenigshofer site specific development on coastal side is different than inland. There are reasons for specific limitations. Would not want to sign off on this now. Should not make a decision based on current owner or operator. 2h15m

Commissioner Deas two questions, would it be addressed in the permitting process? Looks like this was based on a past owner? 2h17m

Staff Gary Helfrich offered as an option they could apply for an LCP Amendment at a later date. 2h18m

Staff Gary Helfrich Westside of 101 appealable to the Coastal Commission and has enhanced review for development. It will be a large hurdle for them either way. 2h19m

Commissioner Cornwall why include this in the first place? Why are we including site specifics? What are limited opportunities? 2h21m

Scott Orr suggests not making a decision on it today to give the Commission time and the public time to respond. 2h22m

Commissioner Koenigshofer agree with **Scott Orr** to not vote on today. Reference to BBY service center and limited opportunities is important. 2h24m

Land Use Policy Revision 2h25m

Parking Management

Land Use Campgrounds

Commissioner Koenigshofer disagrees with the limit of 5 acres believes it is too small. 2h 29m

Staff Gary Helfrich responded will look at different size proposals and bring back to the Commission. 2h29m

OSRC Scenic And Visual Resources Policy 2h30m

Commission Ocana asked about trees used for visual screening removed and planted somewhere else on site? 2h33m

Staff Gary Helfrich responded 2h34m

Commissioner Deas Agrees with proposal. 2h35m

Break 3:38 pm return at 3:50 pm

Public Hearing Opened: 3:53 PM

Marti Campbell
Erin Casey
Megan Kaun
Scott Farmer
Laura Morgan
Eric Fraser
Richard Charter
Cea Higgins
Rue Furch
Jennifer Merchant
Joel Schulman
Chris Poehlmann

Public Hearing Closed, and Commission discussion Opened: 4:28 PM

Commissioner Reed commented about to Cea Higgins. Long discussion today without public input until the end. Perhaps we could find a way to integrate comments earlier. 3h29m

Commissioner Deas stated we do read the comments sent in and they are constructive. 3h30m

Commission Cornwall agrees that written comments are helpful. Consolidated view of next draft? How could staff do this? 3h31m

Staff Gary Helfrich responded we release Monday the different versions with the Coastal Commissions comments. Will prepare to publish. 3h32m

Commissioner Ocana stated we value the public input both written and oral. When Marty Campbell brought up the welfare risk, and I believe one other commenter brought that up, I think that is a very valid verbiage and i'm wondering if that would be appropriate to add to that section of the plan. And, or perhaps maybe Gary could just answer that or state if the verbiage will be added to section of plan? 3h32m

Staff Gary Helfrich responded I need to harmonize language to the Safety Element it must be consistent. 3h33m

Commissioner Ocana asked about Cea Higgins comment on Administrative requests. Is it put in the plan? 3h34m

Staff Gary Helfrich stated the meeting happened too close to this meeting but will bring forward to the Commission. [3h34m](#)

Scott Orr reminded the Commission and Public of timelines for making documents public, requirements under the Brown Act. [3h35m](#)

Staff Gary Helfrich stated we will bring forward next month. [3h36m](#)

Commissioner Ocana asked about the Mailbu Plan has it been considered? Interesting topic. [3h36m](#)

Staff Gary Helfrich deferred to Counsel. [3h38m](#)

County Counsel Verne Ball stated one of the things that was incorrect is the idea that there's an appellate decision that in October Coastal Commission asked Attorney General on scope of pesticides. They are working on it. The Coastal Commission has been sued on the issue previously. Superior Court decision only. Cannot rely on that case for future legal analysis. When is the use considered development? Will be useful to get clearer guidance on what development is. [3h40m](#)

Commissioner Reed comments from public interested in hearing a possible way to ban pesticides in the Coastal Zone. I'm sympathetic to the comments from the public, and if there was an opportunity to introduce some sort of a ban on pesticide it sounds simple you know, in the in the local coastal plan, I would be interested in hearing about how we might do that and it sounds like we're having some feedback from the state Attorney General would be beneficial to that conversation so let's just track it and see where it goes, you know any other quick comment or question I had was why we don't articulate the public comment in the meeting minutes. As opposed to just listing their names? [3h44m](#)

Scott Orr public comments have never been translated. But all video and audio recordings are posted online. We would not want to miss quote or put words in other's mouths. [3h45m](#)

Commissioner Koenigshofer asked has the Coastal Commission approved the Malibu Pesticide language? [3h47m](#)

County Counsel Verne Ball would need to double check on. [3h47m](#)

Commissioner Koenigshofer I would like to see what language has been adopted and bring it forward to Commission as a policy option. [3h48m](#)

Commissioner Ocana and **Commissioner Deas** agreed. [3h50m](#)

County Counsel Verne Ball stated might have some comments on this and may take some time to flush out. [3h50m](#)

Commissioner Koenigshofer Farm worker housing not be abused once established. Issue of AR Zoning and scope of use in AR idea of unlimited Ag activity in residential zone might create problems. Additional meetings requested by public once the final draft is published there will be a lot of public comment. Asked about material submitted by Spellata regarding Estero Trail when will be discussing? [3h54m](#)

Staff Gary Helfrich will present at the March meeting it is part of the public access element. Off shore energy policy we are not talking about eliminating the offshore we want to add to it. We can't modify it. [3h55m](#)

Staff Gary Helfrich stated the important thing to remember, going back to the principal the permitted use it's not the principal the permitted use in that land use, you know it's zoning that's allowed within that land use and because it's not agriculturally zoned those activities potentially would be subject to a CDP that is appealable to the Coastal Commission so that even for policy is to allow agriculture it's not like an agricultural land use, where that is the principle is permitted use and you know we could clarify this easily by just saying that it's allowed with a CDP.

You just put that in our policy to make it clear, you need a CDP for agricultural operations in residential land use. **3h57m**

Staff Scott Orr strongly recommend set an additional PC meeting in March ideally on a Saturday. We have a lot to cover but would like to keep the Board of Supervisors date. **3h58m**

Commissioner Ocana agrees with additional meeting but would prefer not a Saturday. Set at 1 pm on a weekday. **3h59m**

Commissioner Cornwall request it be held later in the day. **4h0m**

Commissioner Deas reminded the public of future opportunities at the Board of Supervisor level. **4h1m**

Scott Orr March 28 special meeting would have two along with the PA meeting on March 30th. Confirm the special date. **4h1m**

Gary Helfrich reminded April 7th hearing all material would need to be done after the March 28th meeting. **4h7m**

Commissioner Ocana agreed on special meeting of March 28 2022. **4h11m**

Staff Gary Helfrich staff intention is to update the LCP more often. **4h12m**

Commissioner Cornwall Land Use has used water supply and traffic to limit development. We have other technologies now for water development and possible traffic alternatives. We should consider how much development we want on the Coast. **3h13m**

Gary Helfrich Regional Board establishes what can be used. We can put it in the LCP but it is the State Water Regional that regulates. **4h14m**.

Commissioner Ocana thanked the public and staff and will return on March 3, 2022. **4h15m**

Action: N/A Review of Land Use Element and Open Space Element.
Appeal Deadline: N/A
Resolution No.: N/A

Vote: N/A

Commissioner District 1
Commissioner District 3
Commissioner District 4
Commissioner District 5
Commissioner District 2, Chair

Ayes:
Noes:
Absent:
Abstain:

Hearing Closed: 5:15 PM

Minutes Approved: January 13, 2022