



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission Draft Minutes

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

March 3, 2022
Meeting No.: 22-05

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 None

Correspondence

Board of Zoning Adjustments/Board of Supervisors Actions:
Board approved 1.1 million for the Cannabis program.

Commissioner Announcements None

Public Comments on matters not on the Agenda: 10m0s
Laura Morgon

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 **Public Access Element, remaining policies of the Open Space and Resource Conservation Element**, and input received from the public since the February 3 reopened hearing. The Planning Commission will announce a schedule for final review and recommendation at the conclusion of this meeting.

The Planning Commission is anticipated to begin final review of recommended changes to the Local Coastal Plan on **March 28, 2022** with recommendation to the Board of Supervisors anticipated on **April 7, 2022**. The Planning Commission Recommended Draft of the Local Coastal Plan will be considered for adoption by the Board of Supervisors at a future date to be determined.

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: None **0h0m**

Gary Helfrich summarized the staff report, which is incorporated herein by reference. **0h14m**

Commissioner Questions:

Commissioner Koenigshofer asked about calendar. My understanding we are one meeting behind. **0h20m**
Staff Scott Orr responded. **0h20m**

Staff Gary Helfrich responded the Commission can change the schedule if needed. **0h21m**

Commissioner Ocana recommended meeting one on one with Staff to incorporate edits. **0h22m**

County Counsel, Verne Ball stated there is no reason why Commissioner Koenigshofer could not meet with Staff. **0h22m**

Commissioner Ocana recommended coming back on March 28th, 2022 with all edits incorporated. **0h24m**

Commissioner Koenigshofer agreed. **0h24m**

Staff Gary Helfrich continued to summarized the staff report, which is incorporated herein by reference. **0h25m**

Staff Gary Helfrich highlighted Public Comments and Administration recommendations from *Save Our Sonoma Coast* overview and Timber Cove Inn. **0h30m**

Commissioner Cornwall stated collecting fees for affordable housing need to be at a level that would allow construction. **0h37m**. **Staff Gary Helfrich** responded proposed the same as current inland fee's. Staff will discuss with Housing Team and come back to Commission. **0h38m**

Commissioner Koenigshofer asked about Land Use Polices needs clarification? **0h39m**. **Staff Gary Helfrich** responded will look up on the break. **0h39m**

Staff Gary Helfrich gave overview of Pesticide Regulation **0h41m**

County Counsel Verne Ball stated that the Attorney General has a list of opinions they are working on. **0h42m**

Commissioner Koenigshofer asked for clarity when would it be applied? **0h42m**
Staff Gary Helfrich responded. **0h45m**

County Counsel Verne Ball applies to development but at broadest it includes regulation of intensity of use of the land. **0h46m**

Commissioner Koenigshofer asked about the difference between “shall be minimized verses shall minimize adverse impacts to ESHA?” **Staff Gary Helfrich** responded both Policy’s should have the same language. **0h48m**

Gary Helfrich stated need to specifically refer to ESHA or otherwise it could be seen as not carrying out the Coastal Act. **0h52m**

Commissioner Cornwall asked what does the word development cover?
Staff Gary Helfrich responded yes, it is used in context of the Coastal Act definition. **0h53m**

Commissioner Koenigshofer asked not retroactive until they come in for a new Permit? **0h53**
County Counsel Verne Ball responded. Geared toward CDP Conditions. There could be other Ordinances or Actions we could consider. **0h53m**

Staff Gary Helfrich gave overview of Open Space & Resource Conservation. **0h53m**

Commissioner Cornwall stated Steelhead should be on the list. Minimum flow standard should be named.
Staff Gary Helfrich the 1.5 times flow was recommend by Coastal Commission staff. Will look into minimum standards with Natural Resource Staff and see if there is one. **1h4m**

Staff Gary Helfrich gave an overview of proposed programs in the Open Space & Resources Conservation Element. **1h9m**

Chair Ocana proposed to open to public comment but with a focus on current topic. **1h12m**

Public Hearing Opened: 2:14 PM

Richard Charter
Larry Hanson
Laura Morgan
Peter Prows
Beth Bruzzone
Kimberly Burr
Cea Higgins

Public Hearing Closed, and Commission discussion Opened: 2:32 PM

Staff Gary Helfrich showed Policies with specific references. **1h36m**

Commissioner Cornwall would all of these concerns now be covered under the new process? **1h37m**

Staff Gary Helfrich responded **1h37m**

County Counsel Verne Ball stated the assessor has no authority to amend the LCP. APN numbers change. We can look at and find a way to identify without identifying the business name. **1h42m**

Staff Gary Helfrich is requesting direction from the Commission. Policy to remain intact and come up with several ways to identify parcels? **1h44m**

Commissioner Koenigshofer stated he agrees with leaving polices as it. **1h45m**

Chair Ocana suggested with leave the polices in but come back with suggestions on identifying. **1h46m**

Commissioner Deas agrees. **1h46m**

Commissioner Reed agrees with Commissioner Koenigshofer. Leave language in there. It would be understood as historic. **1h46m**

Staff Scott Orr, explained names may change but it will not change the intent of the Policy. Most critical to decide is what to leave in and what to take out. **1h48m**

Commissioner Ocana asked **Commissioner Koenigshofer** if we decide to keep the Timber Cove Inn then the applicant would need to come back with a specific request? **1h48m**

Commissioner Koenigshofer responded if they want to change this, they would make an application, the application would set forth the scope of their proposal which would go through the requirements and analysis by staff and be subject to public hearings, as opposed to the sweeping alteration of the intention of the LCP as presented here for the last four and a half decades. **1h49**

Straw vote

Commissioner Koenigshofer motioned to leave all polices in. Seconded by **Commissioner Reed** and passed with a 5-0-0 Vote.

Break until 3:05 pm

Staff Gary Helfrich gave presentation Public Access Element: **2h6m**

Regional Parks staff Steve Ehret will provide background on material provided to Commission on the technical corrections. Permit Sonoma Staff is recommending we incorporate the changes. **2h6m**

Commissioner Koenigshofer what is the context to consider this information? **2h9m**

Staff Gary Helfrich responded **2h10m**

Chair Ocana in support of hearing from Regional Parks staff. **2h10m**

Regional Parks Staff, Steve Ehret public access planning changes every three to six months. When Projects are adopted it is nice to update to reflect current events. **2h11m**

Staff Gary Helfrich Revise definition of development consistent with Coastal Act. Suggesting add Temporary Events. **2h12m**

Commissioner Koenigshofer asked if a road closure is defined? One lane closure or both lanes? **2h14m**

Staff Gary Helfrich blocking access to beach is not allowed. Right now, we have no guidance. Implementation of temporary events staff is hopping the County will develop what is considered a road closure definition. **2h15m**

Chair Ocana asked will it prohibit future events? [2h17m](#)

Staff Gary Helfrich responded it will set standards for future use. We are working on a Special Event Policy now for the County. [2h18m](#)

Commissioner Cornwall requested to enter a sentence, "for a temporary event." [2h18m](#)

Commissioner Koenigshofer asked is this a policy? Aggress with using the Commissioners 1998 Memo. But suggests a balance with Temp Events and with public access. [2h19m](#)

Staff Gary Helfrich responded, correct this would be implemented similar to the inland policy for Special Events. [2h20m](#)

Commissioner Reed asked is the recommendation that this should become a Program? [2h21m](#)

Staff Gary Helfrich responded a Program sets parameters for future standards. [2h22m](#)

County Counsel Verne Ball stated to be clear in order to preserve the status quo you could have both the Policy and a Program. I recommend keeping this language as is and adding a Program. [2h23m](#)

Staff Scott Orr recommends the Commissioner consider that after public input. [2h24m](#)

Staff Gary Helfrich revise Policy C-PA-3c [2h26m](#)

Regional Parks Staff Steve Ehret highlighted the difference between East and West points of access. Visual access versus parking. Stated there is a variety of low cost approaches, senior pass, ADA pass, low income pass. [2h30m](#)

Chair Ocana discussed the idea of low income public stopping and use restrooms without having to pay. Does the County intend to increase bathrooms and trash receptacles along the coast? What is the threshold to charge for parking? [2h30m](#)

Regional Parks Staff Steve Ehret stated we would like to build more restrooms but prohibited by issues State wide. Often tricky with site constraints. Protecting water quality is a consideration with installing bathrooms. [2h30m](#)

Chair Ocana asked does there need to be additional stronger language in this section to help with the County goals? [2h31m](#)

Regional Parks Staff Steve Ehret stated staff will take a look at and get back to Permit Sonoma Staff. [2h30m](#)

Commissioner Koenigshofer asked if Regional Parks offers a discounted day pass? Does the Sea Ranch have restrooms? [2h31m](#)

Regional Parks Staff Steve Ehret responded Sea Ranch does have restrooms. No fee's are charged. There are no discounted day passes. [2h31m](#)

Commissioner Koenigshofer stated we should not rely only on Regional Parks or State Parks review only. I would prefer drawing a line with this policy. Would like access more broadly accessible with more free or low cost policy. [2h33m](#)

Chair Ocana asked if language could be added to encourage development of basic services? [2h33m](#)

Commissioner Koenigshofer Can I make a follow up associated comments, Commissioner Ocana if we make a policy statement, that we could propose the allocation of some financial resources that were transit occupancy tax.

Revenue as a means of funding that looking at a program that would expand under the umbrella of access restroom facilities that were in the free access. **2h34m**

Regional Parks Staff Steve Ehret stated there are differences between County and State parks for charging fees. **2h35m**

Commissioner Ocana requested Staff to comment on shoring up that last line there by adding basic services. **2h36m**

Staff Gary Helfrich responded that is an excellent idea. Would like to met with Steve Ehret to discuss and make sure it meets the state parks requirement. Something that is easy to interpret and creates a clear line and, of course, since this in the LCP it applies to state parks, so we would have uniform standard state parks, is subject to the coastal act, just like regional parks is. **2h37m**

Staff Gary Helfrich gave overview of Public Access to Estero Americano: **2h38m**

Commissioner Koenigshofer requesting update on Bodessa project. Asked if it is an issue of showing access on map before it is an actual approved access point? **2h51m**

Staff Gary Helfrich stated these are future plan points and or lead on a docent bases. **2h51m**

Commissioner Koenigshofer asked is it restricted access only? **2h52m**

Chair Ocana asked for clarification between restricted access by private owner verses a County Park. **2h52m**

Staff Gary Helfrich responded private access is recognized in the Coastal Act. This is part of the current Coastal Plan and is supposed to identify points of access. **2h54m**

Commissioner Cornwall lack of clarity of what qualifies as public access. I would like to hear a clear definition. **2h55m**

Gary Helfrich responded should represent future and planned access points. **2h55m**

County Counsel Verne Ball clarified access at Scotty Creek. It is not the job of the LCP to define each access. Each point is different. **2h58m**

Commissioner Koenigshofer stated think of restricted access as Conditioned. A degree of access developed. **2h59m**

Chair Ocana suggested to open up to public comment **2h59m**

Public Hearing Opened 4:00 pm
Steve Birdlebough
Cea Higgins
Diane Moore
Beth Bruzzone
Tibbetts
Jennifer Merchant
Peter Prows
Cea Higgins (allowed additional time)

Public Comment closed 4:21 pm

Commissioner Ocana asked for clarification on the K2 access point. Is this setting a precedence? Are they any other Counties that have a similar access points? **3h21m**

Staff Gary Helfrich Marsh Road access in Marin. Does not list access point not part of their LCP. **3h22m**

Commissioner Cornwall asked where do these access points come from how are they selected? What is the process for finding or designating another one.? 3h23m

Commissioner Deas asked what is the process once we've identified these of figuring out how these actually become access points or whether or not they are the you know are actually feasible and we thought that would be. 3h24m

Commissioner Koenigshofer asked what is the criteria and how was it applied to identify access points? 3h29m

Staff Gary Helfrich stated I will defer to Steve Ehret on access plan. Marsh Road is historic and a popular point even though Marin has taken it out of their plan. The County needs to perform the analysis first before we take it off the map. When an access point comes up for development is when it will be under go analysis including CEQA. Land Trust bought that land specifically for the purpose of a public access point and whether or not it's feasible the county has to perform the analysis and it may turn out that there are unavoidable unmitigated environmental impacts and it's not a feasible location, but we need, we need to do that analysis before we take it off the map. And I'm talking about when it comes up for development when we're doing a CDP is for now leaving it in the plan if it's not feasible and it won't pass environmental review it's not going to happen, whether or not it's on the map, putting it on the map doesn't get rid of the endangered species act it doesn't get rid of any of the other constraints on the site and it will get analyzed when it comes time to have it developed. 3h26m

Commissioner Koenigshofer this is a request but do they have any plan how it would be developed? 3h27m

Staff Gary Helfrich stated the Land Trust requested it be put on the map. 3h29m

Staff Scott Orr requesting Steve Ehret weigh in. 3h29m

Regional Parks Staff, Steve Ehret clarified that State-wide studies deal with the issue of what is a public access point. Land Trust property is running guided tours with hand held kayaks from shore. There is a public and private spectrum allowed along the Coast. The LCP attempts to identify all of these. 3h30m

County Counsel Verne Ball stated there is no lines being drawn. No commitment for public or private trail. The only possible effect is what the Sonoma Land Trust wants to do with their property. Any development would have to go through the Coastal Permit process. The Bordessa property easement has current discussions underway. The Trail easement does not actually say it leads to the water. 3h34m

Commissioner Koenigshofer stated curious what is the criteria. Is there a current inventory so we can see all of the potential access points? 3h37m

Regional Parks Staff Steve Ehret clarified the Coastal Commission requested dedicated land with intention to develop be captured for information in the current Draft LCP. 3h38m

Commissioner Koenigshofer asked again, how these points were chosen. 3h39m

Staff Gary Helfrich stated these points are carried over from 2001 Local Coastal Plan. I can look at record and get back to staff. 3h40m

Commissioner Koenigshofer stated concerned with public access bumping up against environmental issues and trespass issues. 3h41m

Staff Scott Orr asked if map was updated to reflect current and proposed access points would that be helpful? 3h42m

Staff Gary Helfrich stated these are meant as general locations. The points may change. 3h44m

Scott Orr responded master plan is important for future use. It can take decades to develop. 3h44m

Commissioner Ocana stated I agree with color coding list public access or restricted access should be clear along with sites that are actual access points. **3h50m**

Commissioner Deas stated I appreciate idea of making this clear with color coding as discussed. **3h51m**

Regional Parks Staff Steve Ehret agrees with clarity on map. Consider what the benefits are for listing out possible future access points. Example of a Master plan that took 40 years to develop (Taylor Mountain Regional Park). **3h51m**

Chair Ocana conclude today's meeting and announced the next meeting will be a 1:05 pm on March 28, 2022. Encouraged all Commissioners to meet with Gary Helfrich before then to discuss specific points before the March 28 2022 meeting. **3h52m**

Staff Gary Helfrich asked for clarification: leave points on map but clarify which have access? The Commission supports leaving the access points on the Estero However, once the map clarified so that it's obvious which points are public which are private which are restricted and apply that same criteria to the other public access maps. Is that correct? **3h52**

Commissioner Koenigshofer what did the Land Trust say, that point or some other point? Asked about access from road and the Sea Ranch side. **3h52m**

Regional Parks Staff Steve Ehret stated the single point designates many possibilities not necessarily a trail. The single points are used to designate a whole range of activities so it's not just necessarily a single trail in a single point. For example they lead tours all over the property to look at the habitat and the properties are protected by Conservation Easements. Also, which have in your monitoring so it's not that they're trying to build a particular trail or at least that's my understanding of it. It is this activity they're inviting the public periodically out to and it's being recognized by the LCP. **3h52m**

Staff Gary Helfrich stated will research and discuss with Commissioner Koenigshofer. **3h58m**

Commissioner Ocana asked how was the land obtained? If there were public funds used to buy the land then maybe there should be public access. **3h59m**

Staff Gary Helfrich thanked staff for finishing the LCP preliminary review. **4h0m**

Action: Not applicable. Review of Public Access Element and remaining policies of the Open Space and Resource Conservation Element.

Appeal Deadline: Not Applicable

Resolution No.: Not Applicable

Vote: Not applicable

Commissioner District 1 Cornwall

Commissioner District 2 Reed

Commissioner District 4 Deas

Commissioner District 5 Koenigshofer

Commissioner District 3, Chair Ocana

Hearing Closed: 5:00 PM