



Sonoma County Planning Commission STAFF MEMO

FILE: Sonoma County Local Coastal Plan Update (PLP13-0014)
DATE: February 3, 2021 continued from July 26, 2021
TIME: At or after 1:05 PM
STAFF: Gary Helfrich, Project Planner

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

BACKGROUND

On July 26, 2021, the Planning Commission opened the public hearing to recommend the Revised Public Review Draft of the Local Coastal Plan ("Draft LCP") to the Board of Supervisors. Three hours of public comment was received and Commissioner Koenigshofer moved to continue the hearing to October 7, 2021 and the public comment period to remain open. On October 7, 2021, the Planning Commission reopened the hearing and motioned on a 4-0-1-0 vote for a scheduled review once a month of individual element of the Local Coastal Plan with a final review tentatively scheduled for April 7, 2022.

Chronology of Review by the Planning Commission:

November 10, 2021: Noise, Vibration, and Light Policy, Public Safety Element, Public Facilities & Service Element.

December 9, 2021: Circulation and Transit Element, Water Resources Element, Agricultural Resources Element.

January 13, 2022: Cultural & Historic Resources Element, Land Use Element (partial)

February 3, 2022: (This Meeting): Land Use Element, Open Space & Resource Conservation Element (partial)

March 3, 2022: Open Space & Resource Conservation Element (complete), Public Access Element

April 7, 2022: Final Review and Recommendation to Board of Supervisors

The Commission directed staff to work with California Coastal Commission staff to complete a line-by-line review of the Draft LCP that includes consistency with the California Coastal Act and consideration of public input received on the Draft LCP to date. Appendices and maps associated with each element will be reviewed concurrently.

At the December 9, 2021 reopened hearing, the Planning Commission conducted an initial review of the recommended draft Circulation and Transit Element, Water Resources, and Agricultural Resources Elements. At



the January 13, 2022 meeting, the Commission reviewed the Cultural & Historic Resources Element and began review of the Land Use Element, including a policy option to add general policies for all land uses at the beginning of the Land Use Element. At today’s meeting, the Planning Commission will complete review of the Land Use Element and begin review of the Open Space & Resource Conservation Element. It is anticipated that the remainder of the Open Space & Resource Conservation Element and the Public Access Element will be reviewed at the reopened hearing on March 3, 2022, completing initial review of all elements of the Local Coastal Plan. Final review of the complete Local Coastal Plan and recommendation to the Board of Supervisors is anticipated for the reopened hearing on April 7, 2022.

ADDENDEUM TO THE JANUARY 13, 2022 MEMO

The staff memo pertaining to the Cultural & Historic Resources Element and Land Use Element was provided to the Commission as part of the January 13, 2022 meeting packet, and is included in this month’s packet for reference. The following section is an addendum to the January 13, 2022 memo in response to comments and recommendations received regarding these elements.

Principally Permitted Uses

What is a Principally Permitted Use?

Within the context of the California Coastal Act, a principally permitted use is a single category of development identified for each land use category that clearly carries out the intent of that land use category and development associated with that use is consistent with the Coastal Act. An example of a principally permitted use would be a single family home within the Rural Residential land use.

The Coastal Commission does not allow multiple uses to be identified as principally permitted. Each land use category is limited to a single principally permitted use. The current Sonoma County Coastal Zoning Ordinance (Chapter 26C) generally lists multiple principle uses and is inconsistent with current Coastal Commission policy. The Draft LCP will correct this inconsistency with Coastal Commission policy by identifying a single principally permitted use for each land use category.

Is principally permitted development exempt from needing a Coastal Development Permit?

A Coastal Development Permit is required for principally permitted development unless the development is statutorily excluded by the Coastal Act or categorically excluded by an Exclusion Order issued by the Coastal Commission. Consistent with Section 30603 of the Coastal Act, the decision to approve or deny a Coastal Development Permit issued for a Principally Permitted cannot be appealed to the Coastal Commission except in the following circumstances:

1. The development is between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
2. The development is located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet inland of the top of the seaward face of any coastal bluff.
3. The development is located within or may adversely impact an Environmentally Sensitive Habitat Area.



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4. Any development of a major public works project or a major energy facility.

While Coastal Development Permits for Principally Permitted uses are often not appealable to the Coastal Commission, these permits may be appealed to the Board of Zoning Adjustments and the Board of Supervisors.

Municipal Service Capacity and Resiliency

Commissioners and the public have commented that policy is necessary to assure that water and sewer service providers demonstrate that adequate capacity exists before allowing new service connections and that the providers have adopted resiliency plans that identify actions necessary to respond to the impacts of sea level rise and climate change on their facilities.

The following policies are recommended for the Public Facilities & Service Element:

“Policy C-PF-1xx: Operators of public water systems and operators of public wastewater treatment systems shall provide a report on capacity to Permit Sonoma on an annual basis.”

Policy C-PF-2xx: All public water systems and public wastewater systems shall develop a resiliency plan on or before January 1 2025. Using a forecast of a 10-foot increase in sea level within the next 100 years, the plan shall identify need to relocate, modify, or reinforce existing infrastructure. Where no feasible method can be identified to allow continued operation of system components, the plan shall provide estimates of when facility components would fail and consequences associated with loss of these components.”

The following policies are recommended for the Land Use Element:

“Policy C-LU-1xx: Prohibit development that requires additional water and/or wastewater service in areas served by public water and/or public wastewater systems if the operator cannot demonstrate that adequate capacity exists to serve existing development while maintaining at least a 10% reserve capacity.”

Campgrounds

Commissioners commented that campgrounds provide the lowest cost overnight accommodations and are essential to maintaining adequate and equitable coastal access.

Staff recommends adding policy that allows public and private campgrounds in Land Extensive Agriculture, Diverse Agriculture, Recreation, Resources and Rural Development, Timber, and Public Facilities land uses on parcels that are larger than 5 acres, consistent with protection of coastal resources and public access. Campgrounds would be subject to a Use Permit and Coastal Development Permit. This policy would only include facilities where visitors supply their own tent, trailer, or RV.

Timber Cove Inn

The Timber Cove Inn requested that Policy C-LU-6I be removed and Timber Cove be added to Objective C-LU-2.3. These recommendations are consistent with increasing accommodations for coastal visitors as part of providing coastal access.

~~“Policy C-LU-6I: Limit expansion at the Timber Cove Inn to improved parking and public access facilities.”~~



“Objective C-LU-2.3: Designate Bodega Bay as the major retail and service center for the coast. Permit limited opportunities for new commercial activities in the communities of the Sea Ranch, Duncans Mills, Jenner, **Timber Cove**, and Stewarts Point, in keeping with their size and character.”

Affordable Housing

Comments were received noting that while the Coastal Zone has limited opportunity to develop additional housing, opportunity exists to provide affordable and workforce housing in nearby inland areas such as the lower Russian River,

Evaluation of Communities as Historic Districts

Staff recommends the following program be added to the Cultural & Historic Resources Element evaluating the following communities as potential historic districts:

“Program C-CH-1x: Work with the Sonoma County Landmarks Commission to evaluate the Coastal Communities identified in Policy C-LU-2j for recognition and designation as historic districts”

Climate Change and Cultural Resources

Staff recommends the following program be added to the Cultural & Historic Resources Element to protect cultural and historic resources from sea level rise and climate change:

“Program C-CH-2x: Identify areas where cultural and historic resources may be at risk from sea level rise or wildfire. Develop a plan to move, recover, document, and/or preserve these resources as appropriate, or in the case of Tribal resources, as directed by the Tribe.”

COASTAL COMMISSION REVIEW AND RECOMMENDATIONS: OPEN SPACE & RESOURCE CONSERVATION ELEMENT

Permit Sonoma and Coastal Commission staff have completed a line-by-line review of the Open Space & Resource Conservation Element to assure consistency with the California Coastal Act and incorporate public input on each element. Coastal Commission markup and general comment letter for each element is contained in the Planning Commission packet for this hearing. In addition to related maps and appendices, the following is provided for each element under review:

- Policy comparison table showing associated existing LCP policies and changes made to the 2019 Public Review Draft LCP
- Element markup showing Coastal Commission recommendations
- General comments on the element provided by Coastal Commission staff.

The major staff recommendations and comments are summarized below:

General Comments on All Elements:

- 1) Use exact text from the Coastal Act rather than paraphrasing when referencing the Act.
- 2) Move programs and incentives from the end of each element to a location close to related policies.



- 3) Reference sea level rise by a height above current sea level rather than a date in the future. A 100-year life span should be used for permanent development, and a sea level rise of 10 feet within the next 100 years is recommended by Coastal Commission staff for this standard. Policies and mapping should reflect this change.
- 4) Terms defined by the Coastal Act, such as “redevelopment” must use the Coastal Act definition verbatim.
- 5) Delete policies that require that projects conform to existing codes, such as the building code and fire code.
- 6) Use actionable language in policies.
- 7) Combine redundant policies.
- 8) Provide a definition of important terms.

OSRC Scenic and Visual Resources Policy

Permit Sonoma staff requests that the Planning Commission consider the following recommendations and responses for the Open Space & Resource Conservation Element Scenic and Visual Resources Policy Section:

1. **(Comment A1)** Additional policy mirroring Coastal Act Section 30251 to be added.
2. **(Comment A2)** Scenic view guidelines are part of the Coastal Administrative Manual and Appendix A of the Draft LCP. Permit Sonoma Staff feels that an appendix within the LCP is easier to understand and reference in other elements if necessary.
3. **(Comment A3)** “Significant” is site specific, as some very small groups of trees in sensitive areas may be important to preserve. Staff recommends the following change to Policy C-OSRC-1g:

Policy C-OSRC-1g: The following standards shall be used in addition to those of Policy C-OSRC-1f for new subdivisions within Scenic Landscape Units, other Major Views, and views from Vista Points:

- (1) All maps must designate building envelopes ~~that they are~~ to be located in the least visually sensitive areas, and with height limitations as a note on the map if necessary to adequately mitigate visual impacts.
- (2) Lots shall be clustered to reduce visual impacts where consistent with the Land Use Element.
- (3) **Where development of building sites and roads proposes tree removal, existing trees shall be evaluated by an arborist and preserved if it is determined that to be removed have significant arboreal value or provide visual screening.** ~~are to be constructed to preserve significant tree stands and significant oak trees.~~



(4) Driveways and access roads shall be hidden from view from public roads and other public use areas where practical.

4. (Policy C-OSRC 3d) Staff recommends the following change to Policy C-OSRC-3d:

Policy C-OSRC-3d: In evaluating proposed development, the potential impact of any proposed artificial night lighting on the coastal ecosystem should be considered using the best available science. **Any Proposed artificial night lighting that is determined by the best available science to have a negative impact on coastal ecosystems shall be prohibited**

OSRC Community Character and Design Policy

Coastal Commission staff did not feel that any policies in this section required revision in order to be consistent with the Coastal Act. Permit Sonoma staff requests that the Planning Commission review this section and provide recommendations.

OSRC Terrestrial Habitats Policy and Commercial Fishing Policy

Coastal Commission staff provided minor revisions in order to be consistent with the Coastal Act. Permit Sonoma staff supports these changes and requests that the Planning Commission review these sections and provide recommendations.

RECOMMENDATIONS

Incorporate changes recommended in the Coastal Commission review with Permit Sonoma staff recommended changes.