



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 8/30/2022

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Gary Helfrich, 707 565-2404
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

1:50 PM -Sonoma County Local Coastal Plan Update Workshop (PLP13-0014)

Recommended Action:

Accept report on the Planning Commission recommended draft of the Local Coastal Plan (Informational Only)

Executive Summary:

The California Coastal Act requires local governments in the Coastal Zone to either prepare a Local Coastal Program or to formally ask the California Coastal Commission to do so. To preserve local control, Sonoma County has prepared a Local Coastal Program. The Local Coastal Program must regulate land use, and protect coastal resources consistent with the Coastal Act. The Coastal Commission then must certify that it complies with the Coastal Act. In Sonoma County, the Local Coastal Program consists of three components: Local Coastal Plan, Coastal Zoning Ordinance, and Coastal Administrative Manual.

The Sonoma County Local Coastal Plan update has been a 9 year long process, involving extensive public outreach, research, and numerous revisions. The Planning Commission opened the public hearing for the Local Coastal Plan on July 26, 2021 and concluded the hearing on June 29, 2022 and have recommended a draft of the Local Coastal Plan for adoption by the Board of Supervisors.

After the Board of Supervisors adopts the Plan, and the California Coastal Commission certifies it, Permit Sonoma will begin implementation of the Plan by updating the Coastal Zoning Ordinance and Coastal Administrative Manual for consistency. These updates are anticipated to be developed in early 2023 and will go through the same process of Planning Commission recommendation, Board of Supervisors adoption, and Coastal Commission certification as the Local Coastal Plan.

The Local Coastal Plan is intended to be consistent with the General Plan, but where policy areas overlap, the policy which on balance is the most protective of coastal resources takes precedence.

Discussion:

Background:

General Plan 2020 adopted Land Use Program 1 as part of the 2008 General Plan update. The Land Use Program 1 identifies a need to update the Local Coastal Plan in order to improve integration and consistency with the General Plan while assuring that the Local Coastal Plan remains consistent with and carries out the policies of the California Coastal Act ([Coastal Act link <https://www.coastal.ca.gov/coactact.pdf>](https://www.coastal.ca.gov/coactact.pdf)) The

California Coastal Act declares that that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

To initiate the Local Coastal Plan Update, County staff held three public workshops in spring 2013 as part of the initial scoping and plan update process. Input received was used to develop a *Preliminary Review Draft*, which was released in June of 2015. Six additional workshops were held after publication of the *Preliminary Review Draft*, but lack of staffing and inadequate funding delayed development of a final public review draft.

In September of 2019, the *2019 Public Review Draft* was published and presented to the public in a series of 12 public workshops, ending with a Board of Supervisors workshop session on May 25, 2021. In response to public input and direction received from the Board of Supervisors, Permit Sonoma Staff prepared the *Revised Public Review Draft 2021*, which was considered by the Sonoma County Planning Commission at their July 26, 2021 meeting. The Planning Commission determined that given the scope of the plan and significant public interest, the hearing would be continued on a monthly basis to consider the *Revised Public Review Draft 2021* on an element by element basis beginning in October of 2021. As part of this extended hearing schedule, Permit Sonoma and Coastal Commission staff worked together to provide the Planning Commission with a line-by-line markup of the *Revised Public Review Draft 2021* to improve consistency with the California Coastal Act.

The Planning Commission review was held on the following dates:

- Oct 7, 2021: Review noise policy, establish hearing schedule
- Nov 10, 2021: Public Safety and Public Facilities Elements
- Dec 9, 2021: Agricultural Resources, Water Resources, and Circulation & Transit Elements.
- Jan 13, 2022: Cultural Resources and Land Use Elements.
- Feb 3, 2022: Land Use continued and Open Space & Resource Conservation Elements.
- Mar 3, 2022: Open Space & Resource Conservation (continued) and Public Access Elements.
- Mar 28, 2022: Review of Coastal Commission recommendations and direction for preparing revised draft.

Consistent with direction from the Planning Commission, Permit Sonoma staff prepared the Revised Public Review Draft - June 2021 of the Local Coastal Plan, incorporating all of the Coastal Commission staff recommendations, as well as recommendations provided by the Planning Commission during the meetings to date.

On June 29, 2022, the Planning Commission held a 7-hour hearing for final review and recommendation to the Board of Supervisors. The *Planning Commission Recommended Draft July 2022* incorporates these recommendations to the Board of Supervisors.

Plan Reorganization

In response to Coastal Commission input, elements begin with descriptions of element purpose, relationship to other elements, and complete text of relevant sections of the California Coastal Act. The proposed policies now directly quote Coastal Act sections rather than paraphrase text. In elements with multiple topic areas, separate subsections for each topic are provided listing goals, objectives, policies, programs, and incentives relevant to the topic. This reorganization also resulted in comprehensive renumbering of goals, objectives, policies, programs, and incentives.

Revision Notes

The following parenthetical notes are included in the *Planning Commission Recommended Draft July 2022* to allow tracking of changes and recommendations:

- GP2020** General Plan 2020 policy that has been incorporated into the Local Coastal Plan

- GP2020 Revised** General Plan 2020 policy that has been incorporated with revisions into the Local Coastal Plan

- Existing LCP** Policy carried over from the 2001 Local Coastal Plan.

- Existing LCP Revised** Policy from the 2001 Local Coastal Plan that has been revised.

- New** Policies that were identified as new in the June 2021 Public Review Draft Local Coastal Plan.

- CCC Revised** Revisions recommended by the Coastal Commission as part of their review of the *June 2021 Public Review Draft*.

- PC Revised** Revisions to the *June 2021 Public Review Draft* recommended by the Planning Commission.

Future Plan Review and Update

A challenge in preparing this update of the Local Coastal Plan was that the current plan has not had a review or significant revision since it was certified by the Coastal Commission on December 12, 2001. To encourage timely incremental updates, the Planning Commission recommends adding the following to Section 2 of the Local Coastal Plan introduction:

“Consistent with Coastal Act Section 30519.5, Sonoma County shall review the Local Coastal Program and amend as indicated by this review every five years after certification by the California Coastal Commission.”

Policy Recommendations

The June 29, 2022 staff memo to the Planning Commission contains a comprehensive list of changes recommended by the Planning Commission. Below is a summary of these recommendations.

Sea Level Rise:

The California Coastal Commission staff advised Permit Sonoma that Local Coastal Plans should use a specific measurement above current sea level to develop policy rather than using a future date as was the case in the *2019 Public Review Draft*.

During the Planning Commission hearing, the National Oceanic and Atmospheric Administration (NOAA) published the “Global and Regional Sea Level Rise Scenarios for the United States” in late February of 2022 (Attachment 4). This document, prepared in partnership with U.S. Environmental Protection Agency, National Aeronautics and Space Administration, U.S. Geological Survey, U.S. Army Corps of Engineers, U.S. Department of Defense, and the University of Hawai‘i at Mānoa represents a significant advance in climate change science and provides the best forecasts of sea level rise and associated impacts currently available.

An important finding of the NOAA study is that new information supports a 2.1-meter (7 foot) rise in sea level by 2100, assuming that global climate emissions continue to increase unabated.

In consideration of this report, the Planning Commission policy recommendations for resource protection, public facility resiliency, land use, and public safety assume the projected worst case scenario of a 7-foot increase in sea level. Given the rapidly evolving scientific understanding of climate change and sea level rise, and the significance of how these change will impact the Sonoma Coast, Policy C-PS-1d requires evaluating and updating hazard data every 3 years, or at intervals recommended by responsible agencies, whichever is more frequent.

Cultural and Historic Resources

The Local Coastal Plan recognized that cultural resources are tied to the identity and practices of Native American peoples, and their relationship to and identification of these resources is much different than the relationship the general non-native community has to them. The new policies in the Cultural and Historic Resources Element are intended to recognize and protect these resources.

Fire Fuel Management

Climate change will continue to increase wildfire risk throughout California. The Open Space and Resource Conservation Element Program C-OSRC-7 is intended to streamline vegetation management programs that reduce fire fuel risk and improve the health of coastal forest ecosystems.

Noise Element:

The *2019 Public Review Draft* Local Coastal Plan Noise Element was duplicated from the Sonoma County General Plan Noise Element. These policies are intended to protect people from the adverse effects of exposure to excessive noise but do not consider or establish standards for noise impacts on biological resources. The Planning Commission recommended replacing the Noise Element with resource specific policies in the Land Use and Open Space and Resource Conservation Element.

Water Resources:

The Water Resources element was developed in recognition of the importance of water to the environment, economic stability, agricultural protection, and overall quality of life of Sonoma County Coast residents. New policies and policy revisions are intended to implement the goals of the California Sustainable Groundwater Management Act, manage development in the context of limited groundwater resources, and accommodate the impact of climate change on water availability and the effect of sea level rise on water quality.

In addition to the policies found in the Water Resources Element, Public Facilities and Services Element Program C-PF-1 will create a total water supply and use budget for the Sonoma County Coastal Zone that considers future impacts on water including, but not limited to: loss of groundwater to salt water intrusion, potential droughts, increased water usage for increased development, and fire suppression.

Environmentally Sensitive Habitat Areas (ESHA):

Policies C-OSRC-8a through C-OSRC-8e identify policy regarding biological studies, ESHA determination, and requirements to prevent disruption of habitat values. Because mapping of ESHA is constantly evolving due to regulatory changes, new information, and scientific discovery, these policies clarify that maps in the Local Coastal Plan are limited to providing general guidance, and only a site specific analysis that dictates whether ESHA policies apply to a site or development. This recommendation to use a site specific evaluation rather than generalized mapping will improve protection of coastal natural resources. This recommendation is also consistent with Coastal Commission guidance to use criteria based ESHA designations rather than simply relying upon map based designations.

Pesticide Regulation

The Planning Commission recommends including a prohibition on pesticide use modeled on the City of Malibu pesticide ban that was recently certified by the Coastal Commission. While pesticides have potential short-term as well as cumulative impacts to coastal resources, California Food and Agriculture Code section 11501.1(a) preempts local governments from “prohibit[ing] or in any way attempt[ing] to regulate any matter relating to the registration, sale, transportation, or use of pesticides.” In passing this law, the Legislature found that “matters relating to (pesticides) are of a statewide interest and concern and are to be administered on a statewide basis by the state unless specific exceptions are made in state legislation for local administration.”

Although it restricts local authority to regulate pesticides, the Food and Agriculture Code does not limit the authority of state agencies. In the opinion of the Coastal Commission, the Commission is authorized to regulate pesticides in order to carry out the Coastal Act, and when the County exercises its authority in the Coastal Zone, it does so under the State’s authority. County Counsel has concluded that Food and Agriculture Code does not preempt local regulation in the Coastal Zone to implement LCP policies that regulate pesticides. The proposed policies mirror the policies that the Commission approved in Malibu.

Public Access at the Estero Americano:

Many comments have been received concerning access to the Estero Americano, both in support and in opposition to public access to the coast in this area. Opponents have raised issues of trespassing, vandalism, damage to Environmentally Sensitive Habitat Areas (ESHA) and requested that all references to public access to the Estero Americano be removed from the Local Coastal Plan. Proponents have argued that access to the

coast is a right protected by the California Constitution and the Coastal Act, and further, that existing environmental impacts have to do with agricultural operations and not visitors. There are also disputes regarding access easements that go well beyond the scope of the Local Coastal Plan.

Trails are resource dependent development and are not prohibited in ESHA, provided that measures are taken to protect “against significant disruption of habitat values.” The Coastal Act specifically contemplates that recreation areas can be in, adjacent to, or near ESHA. With the exception of an access point outside of the County’s jurisdiction on the Marin County side of the Estero, the Planning Commission did not recommend removing access points to the Estero Americano. The Planning Commission also recommended that Public Access maps (Figures C-PA-1a through C-PA-1k) clearly identify which public access points are existing and which ones are proposed for future development and provide notice that proposed access points are not available for public use until developed.

Staff Recommendation: Receive report.

Strategic Plan:

The Local Coastal Plan update supports Climate Action and Resiliency Goal 1 Objective 2 with policies that streamline vegetation management in high fire severity areas of the coast, Goal 5 Objective 1 with policies that protect natural resources, infrastructure, and development from impacts of sea level rise, and Resilient Infrastructure” Goal 4, Objective 2 with a program to encourage development of broadband infrastructure throughout the coastal zone,

Prior Board Actions:

1. Resolution 01-1469

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A Workshop only

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Att 1: Planning Commission Recommended Draft July 2022
- Att 2: Planning Commission Draft May 2022
- Att 3: Planning Commission Hearing Minutes July 26, 2021 through June 29, 2022
- Att 4: Planning Commission Staff Reports and Memos
- Att 5: Public comments and responses provided to the Planning Commission at the June 29, 2022 meeting.
- Att 6: California Coastal Commission Comments and Element Markups

Related Items “On File” with the Clerk of the Board:

- Additional public comments provided to the Planning Commission
- Revised Public Review Draft Local Coastal Plan-June 2021
- 2001 Sonoma County Local Coastal Plan
- Resolution 01-1469

