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# Public Access Element

## INTRODUCTION

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One of the highest priorities in the California Coastal Act of 1976 is the mandate to maximize public access to the coast and protect oceanfront land for recreational use where consistent with protection of coastal natural resources. Provisions in Chapter 3 of the Coastal Act (Sections 30210-30214) set forth requirements for the provision of public access along the Sonoma Coast:

Coastal development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization;

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects;

Public access facilities shall be distributed throughout the Sonoma Coast to prevent overcrowding or overuse.

Throughout this element, "public access" shall mean access to the coast as defined by Chapter 3 of the Coastal Act.

While public access is a high priority use, Coastal Act Section 30240 requires that development is subordinate to protection of environmentally sensitive habitat areas, and that recreation areas shall be compatible with and not adversely impact these resources:

**"Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

Sonoma County's coastline stretches over fifty-five miles, and its Coastal Zone reaches inland over six miles. More than one-quarter of the land area on the coast is in government ownership, but not all of that land is open to the public with appropriate facilities. The Sonoma County Regional Parks Department (Sonoma County Regional Parks) and the State Department of Parks and Recreation (State Parks) own the majority of the developed facilities and undeveloped land along the coastline. Several other public agencies and private organizations operate facilities open to the public, such as the 5,600 acre Jenner Headlands Preserve.

Summer is the busiest season for coastal parks, especially during weekends and holiday weekends. Most beaches are unimproved and do not charge entry or parking fees, making it difficult to determine how many people visit the Sonoma Coast, but estimates from State and Regional Parks indicate that somewhere between 600,000 and one million people annually, with the highest use in

the area south of the Russian River, including Jenner Visitor Center, Goat Rock Beach, Wright's Beach, Portuguese Beach, Salmon Creek Beach, Bodega Head, and Doran Beach. Bodega Bay is also heavily used for commercial and sport fishing, and the bay itself is a nationally known wind surfing and kite boarding site.

## **PURPOSE**

The purpose of the Public Access Element is to protect and defend the public's constitutionally guaranteed rights of access to and along the Sonoma Coast as well as uphold the requirements of the Coastal Act. The Public Access Element establishes policies to protect existing access areas, and identifies future access areas through the Public Access Plan found in Appendix B.

## **RELATIONSHIP TO OTHER ELEMENTS**

The Public Access Element is coordinated with the Land Use, Open Space and Resource Conservation, Agricultural Resources, Circulation & Transit, and Public Facilities and Services Elements. Following are the relationships among these Elements:

- (1) The Land Use Element identifies how public access and outdoor recreation facilities will relate to land use types, and provides policies for establishing new park and recreation facilities.
- (2) The Open Space and Resource Conservation Element includes design and planning policies addressing Scenic Resources and protection of natural resources that apply to outdoor recreational facility acquisition and development.
- (3) The Public Facilities and Services Element include policies that address public services related to outdoor park and recreation facilities.
- (4) The Agricultural Resources Element identifies policies that address the protection and enhancement of agriculture that apply to surrounding land uses, including outdoor recreation facilities.
- (5) The Circulation & Transit Element identifies transportation policies for accessing recreational facilities as well as bikeways that are critical transportation and recreational features connecting communities and public facilities.

## **RELATIONSHIP TO CALIFORNIA CONSTITUTION**

### **Article X Water [Section 4]:**

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

## **RELATIONSHIP TO CALIFORNIA COASTAL ACT**

### **Section 30001.5 Legislative findings and declarations; goals**

The Legislature further finds and declares 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) Ensure 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) Ensure 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.

### **Section 30210 Access; recreational opportunities; posting**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

### **Section 30211 Development not to interfere with access**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

### **Section 30212 New development projects**

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- (b) For purposes of this section, "new development" does not include:
  - (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

### **Section 30214 Implementation of public access policies; legislative intent**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

### **Section 30220 Protection of certain water-oriented activities**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

### **Section 30221 Oceanfront land; protection for recreational use and development**

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

### **Section 30222 Private lands; priority of development purposes**

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

### **Section 30222.5 Oceanfront lands; aquaculture facilities; priority**

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

### **Section 30223 Upland areas**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

### **Section 30224 Recreational boating use; encouragement; facilities**

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

## **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

## **Section 30604 Coastal development permit; issuance prior to certification of the local coastal program; finding that development in conformity with public access and public recreation policies; housing opportunities for low and moderate income persons**

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

(d) No development or any portion thereof which is outside the coastal zone shall be subject to the coastal development permit requirements of this division, nor shall anything in this division authorize the denial of a coastal development permit by the commission on the grounds the proposed development within the coastal zone will have an adverse environmental effect outside the coastal zone.

(e) No coastal development permit may be denied under this division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, unless the public agency has been specifically authorized to acquire the property and there are funds available, or funds which could reasonably be expected to be made available within one year, for the acquisition. If a permit has been denied for that reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for the development on grounds that the property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.



(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

(h) When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

### **Section 30609.5 State lands between the first public road and the sea; sale or transfer**

(a) Except as provided in subdivisions (b) and (c), no state land that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, or that the commission has formally designated as part of the California Coastal Trail, shall be transferred or sold by the state to any private entity unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea. In any transfer or sale of real property by a state agency to a private entity or person pursuant to this section, the instrument of conveyance created by the state shall require that the private entity or person or the entity or person's successors or assigns manage the property in such a way as to ensure that existing or potential public access is not diminished. The instrument of conveyance shall further require that any violation of this management requirement shall result in the reversion of the real property to the state.

(b) This section shall not apply to the transfer of state land to a non-profit organization that exists for the purposes of preserving lands for public use and enjoyment and meets the requirements of subdivision (b) of Section 831.5 of the Government Code.

(c) Notwithstanding the provisions of subdivision (a), state lands between the first public road and the sea, that are under the possession and control of the Department of Parks and Recreation or the State Coastal Conservancy, may be transferred or sold if the department or the conservancy makes one or more of the following findings at a noticed public hearing relating to the transfer or sale of the property:

- (1) The state has retained or will retain, as a condition of the transfer or sale, permanent property interests on the land providing public access to or along the sea.
- (2) Equivalent or greater public access to the same beach or shoreline area is provided for than would be feasible if the land were to remain in state ownership.

(3) The land to be transferred or sold is an environmentally sensitive area with natural resources that would be adversely impacted by public use, and the state will retain permanent property interests in the land that may be necessary to protect, or otherwise provide for the permanent protection of, those resources prior to or as a condition of the transfer or sale.

(4) The land to be transferred or sold has neither existing nor potential public accessway to the sea.

(d) Nothing in this section shall be construed to interfere with the management responsibilities of state resource agencies, including, but not limited to, the responsibilities to ensure public safety and implement the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(e) As used in this section, "state land" means any real property in which the state or any state agency has an ownership interest including, but not limited to, a fee, title, easement, deed restriction, or other interest in land. It does not include land in which a city, county, city and county, or district has an ownership interest.

(f) Nothing in this section is intended to restrict a private property owner's right to sell or transfer private property.

## **LEGAL BASIS FOR PUBLIC ACCESS**

### **Public Trust**

California joined the Union on September 9, 1850 and adopted English Common Law, establishing the public's right to access and use of California's waterways for navigation, fishing, boating, natural habitat protection and other water-oriented activities. Court decisions have broadened these rights to include recreation, preservation of scenic values, and protection of coastal ecosystems. Navigable waterways, tidelands, and submerged lands within 3 miles of the coast are held in public trust by California and administered by the State Lands Commission for the benefit of all people.

### **California Constitution**

The public's right of access to the tidelands is guaranteed by the California Constitution. Article X, Section 4 of the California Constitution provides:

“No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.”

### **Proposition 20**

The California Coastal Zone Conservation Act of 1972 (Proposition 20) was a temporary measure passed by the voters of the state as a ballot initiative. It set up temporary regional Coastal Commissions with permit authority and a directive to prepare a comprehensive coastal plan. The

coastal commissions under Proposition 20 lacked the authority to implement the Coastal Plan but were required to submit the Plan to the legislature for “adoption and implementation.” One of the key provisions of Proposition 20 was clarifying the public right to ocean access.

## California Coastal Act

In 1976, the California legislature passed the Coastal Act to carry out the provisions of Proposition 20, creating the California Coastal Commission and establishing that development may not interfere with the public’s right of access to the sea, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 requires that new development provide public access and Section 30214 provides guidance identifying and developing public access areas and related recreational facilities.

### Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to

66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

**Section 30214 Implementation of public access policies; legislative intent**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

**California Coastal Trail**

The California Coastal Act required local jurisdictions to identify an alignment a continuous interconnected public trail system along the California coastline. Coastal Act Section 30609.5 states that “no state land that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, or that the commission has formally designated as part of the California Coastal Trail, shall be transferred or sold by the state to any private entity unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea.

Senate Bill 908 (Chesboro) charged the Coastal Conservancy in 2001 to prepare a plan, in cooperation with the Coastal Commission and State Parks Department, describing how the Coastal Trail can be completed. The plan “Completing the California Trail” was published by the California Coastal Conservancy in 2003 and established the following principles of alignment (Pages 15-16 of the Plan) that apply to all of the different components of the California Coastal Trail:

### **“Proximity**

Wherever feasible, the Coastal Trail should be within sight, sound, or at least the scent of the sea. The traveler should have a persisting awareness of the Pacific Ocean. It is the presence of the ocean that distinguishes the seaside trail from other visitor destinations.

### **Connectivity**

The trail should effectively link starting points to destinations. Like pearls on a string, our parks, ports, communities, schools, trailheads, bus stops, visitor attractions, inns, campgrounds, restaurants, and other recreational assets are strung along the edge of our coast. They are already connected by roads, streets, and highways. Our challenge is to create alternative nonautomotive connections that are sufficiently appealing to draw travelers out of their automobiles.

### **Integrity**

The Coastal Trail should be continuous and separated from motor traffic. Continuity is vitally important: if a chain is missing a link, it is useless. Where such separation is absent, the safety, pleasure, and character of the trail are impaired. Appropriate separation can take many forms. Substantial horizontal distance is generally the most desirable, thus avoiding the sight, sound, and scent of the internal combustion engine. Separation is also possible through vertical displacements of gradient, underpasses, vegetative buffer strips, barrier rails, and other means.

### **Respect**

The trail must be located and designed with a healthy regard for the protection of natural habitats, cultural and archaeological features, private property rights, neighborhoods, and agricultural operations along the way. Manmade features such as boardwalks, guidewires, and fencing can be used to protect wetlands, dunes, archaeological sites, and agricultural fields. Screening fences and vegetative barriers not only protect residential privacy but may also minimize disturbance of sensitive bird habitats.

Respect also requires understanding that this trail will exist in a context of other trail designations, including the Pacific Coast Bike Route, Humboldt Bay Trail, Lost Coast Trail, San Mateo Coastside Trail, Monterey Bay Sanctuary Scenic Trail, Santa Monica Mountains Backbone Trail, Los Angeles South Bay Bicycle Trail, etc. Providing a clear identity for the Coastal Trail on maps, signs, and brochures should not compete with or displace these existing trail identities. Where the Coastal Trail alignment incorporates or is a component of these other trails, the Coastal Trail should be no more than a concurrent designation.

### **Feasibility**

To achieve timely, tangible results with the resources that are available, both interim and long-term alignments of the Coastal Trail will need to be identified.”

In collaboration with the Coastal Conservancy, in this report, the Coastal Commission identified the following criteria for development of the Coastal Trail:

- (1) Provide a continuous walking and hiking trail as close to the ocean as possible;

- (2) Provide maximum access for a variety of non-motorized uses by utilizing parallel trail segments where feasible;
- (3) Maximize connections to existing and proposed local trail systems;
- (4) Ensure that the trail has connections to trailheads, parking areas, transit stops, inland trail segments, etc. at reasonable intervals;
- (5) Maximize ocean views and scenic coastal vistas; and,
- (6) Provide an educational experience where feasible through interpretive programs, kiosks, and other facilities

The intent of the Local Coastal Plan is to provide a continuous braided trail system that contains parallel routes and point access to accommodate a wide range of users. Figures C-PA-1a-k show the existing and proposed segments of the California Coastal Trail.

“Existing” means the trail has been constructed or that significant portions of a segment are open for public use. Figures C-PA-1a-k show these locations in their existing location.

“Proposed” means the approximate location of the trail alignment has been identified as described in the Public Access Plan, or that an alignment between two end points has not been identified or that several alternative alignments need to be evaluated. For illustration purposes, future segments are shown along Highway 1, but the chosen alternative should be as close to the ocean as possible. Figures C-PA-1a-k show the general location of proposed access rather than an exact location to allow flexibility in planning and developing proposed access points.

## **PUBLIC ACCESS PLAN**

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The Public Access Plan in **Appendix B** encompasses recommendations from the previous Local Coastal Plan; and State Parks and County Regional Parks General Plans, Master Plans, and Management Plans; and has been supplemented with input from Sonoma County Ag+Open Space District, local and national land trusts with holdings in the Coastal Zone, and comments from public workshops. This information provides the framework for recommending a range of public access areas along the Sonoma Coast, consistent with the mandates of the California Coastal Act.

The Public Access Plan is based on both local and regional needs. Because of the exceptional quality and significance of its natural resources on a local, state, and national level, the Coastal Zone contains a greater proportion of the resource-based recreational facilities and opportunities than found in other areas of Sonoma County. Therefore, the equitable distribution of recreational opportunities and facilities along and between the North and South Coasts is a goal for State Parks and County Regional Parks reflected in the Public Access Plan. The equitable distribution of recreational facilities is influenced less by resident population densities and more by providing the entire County population with a range of recreational experiences without overly impacting any one access area too much.

“Existing” means the trail has been constructed or that portions of a segment are open for public use. “Existing” includes both fully developed access points as well as access points that are in development but provide some level of public access or use while in development. Figures C-PA-1a-k show these locations in their existing location.

“Proposed” means the nearest public point to the approximate location of the trail alignment described in the Public Access Plan, or that an alignment between two end points has not been identified or that several alternative alignments need to be evaluated. For illustration purposes, future segments with an undetermined location are shown along Highway 1, but the chosen alternative should be as close to the ocean as possible. Figures C-PA-1a-k show the general location of proposed access rather than an exact location to allow flexibility in planning and developing proposed access points. (2023 POLICY OPTION)

**State Facilities.** The proposed improvements and programs for State facilities identified in the Public Access Plan are driven by a series of California Department of Parks and Recreation programs and planning documents. Criteria for access improvements, along with the involvement of natural and cultural resources, are provided through Division 5 of the State of California Public Resources Code and the California Department of Parks and Recreation’s Operations Manual. Recommendations for access improvements to meet accessibility guidelines are mandated through the Consent Decree from *Tucker v. The State of California Department of Parks and Recreation*. Proposals for specific State facilities are identified based on the need to provide safe and quality public access to facilities and protect park resources.

Proposals identified for Sonoma Coast State Park are an outgrowth of guidance provided in the Sonoma Coast State Park General Plan (2004). Proposals associated with the Carrington Property are contained in the Carrington Property Immediate Public Use Facilities Plan (2008, rev. 2010) and subsequent Mitigated Negative Declaration (2010).

**County Facilities.** Access areas to be developed by Sonoma County Regional Parks facilities identified in the Public Access Plan are based on the considerations and standards described below under Planning and Development Considerations.

## North Coast Access

The availability of public access within the Coastal Zone from Gualala to Jenner is quite varied. Some large sections of the coastline and upland areas of the Coastal Zone are open to the public, including Gualala Point Regional Park, Salt Point State Park, Fort Ross Historic State Park, and North Jenner Beach. At other large sections of the coast public access is limited, including in the area of Stewarts Point, Timber Cove, High Cliffs, and The Sea Ranch community. North Coast public access points and facilities with public access are shown in Figures C-PA-1a-g.

Access to the Russian River estuary between Duncans Mills and the river mouth is limited to certain areas, with the mouth accessible from Jenner and the Goat Rock area. From the Bridgehaven Bridge to Duncans Mills, river access is limited to the Willow Creek Environmental Campground, State Parks visitor center in Jenner, and small informal turnout areas. A public access point, subject to fees, is available in Duncans Mills at the private Cassini Ranch Campground.

There are about 40 miles of trail and over 80 parkland public access points and easements on the North Coast. The use levels tend to drop off from Russian Gulch to the north. Jenner, the southernmost area in California where recreational abalone diving is legal, is a significant recreational draw.

The California Coastal Trail on the North Coast is planned to be a continuous trail alignment extending over 40 miles, connecting Mendocino County with the Russian River estuary. Approximately half of the California Coastal Trail alignment is in public ownership and developed, with numerous gaps in the trail alignment, including the gap between Gualala Point Regional Park and Salt Point State Park.

## South Coast Access

There are a large number of public access points along the South Coast, especially in the Bodega Bay area. There are about 21 miles of trails and over 60 parkland public access points and easements on the South Coast. South Coast public access points and facilities with public access are shown in Figures C-PA-1h-k.

The majority of the coastal property from the Russian River estuary to Bodega Head is a part of Sonoma Coast State Park and provides numerous developed and informal access points. Acquisition of the Willow Creek watershed, Wright Hill Ranch, and the Carrington Ranch by public agencies will eventually provide extensive public access to the upland areas north of Salmon Creek in the Coastal Zone. Public access to the Bodega Bay tidelands is available at the County-owned facilities of Spud Point Marina, Westside Park, Bird Walk Coastal Access Trail, and Doran Regional Park. Two public access trails in the Bodega Harbour Subdivision were dedicated to County Regional Parks providing access along the coast and Shorttail Gulch.

Further south, the Sonoma Land Trust and The Wildlands Conservancy own property adjacent to the Estero Americano. At this point access is limited by these organization to tours and interpretive programs.

## Facilities Providing Public Access

<i>Type of Facility</i>	<i>Examples</i>	<i>Description/Purpose</i>
<b>State Marine Managed Areas (Marine Reserves and Marine Conservation Areas)</b>	Del Mar Landing, Bodega Bay, Gerstle Cove, Russian River estuary	Support scientific research, education, and recreation.
<b>Open Space Preserves</b>	Jenner Headlands Preserve, Estero Americano Coast Preserve	Lands that support passive recreation
<b>State and County Parks</b>	Doran Beach, Sonoma Coast State Beach,	Provide parking, camping, bathrooms, showers, maintained beaches, and other amenities.
<b>Regional Trails</b>	Kortum Trail, Pomo Canyon, Bodega Head, Bodega Dunes	Trails that provide recreation and transportation connections between protected accessible lands, communities, and/or other points of interest. They provide access and opportunities to experience cultural and natural areas, and generally accommodate non-motorized access for pedestrians, bicycles, equestrians, or multi-use.
<b>Waterway Trails</b>	Russian River estuary, Gualala River estuary, Salmon Creek, Bodega Harbor, and Estero Americano.	Public access to navigable waterways is protected by the State and Public Trust Doctrine. Navigable waterways support recreational use



<i>Type of Facility</i>	<i>Examples</i>	<i>Description/Purpose</i>
<b>Coastal Access Trails</b>	Stengel Beach Trail, South Salmon Creek Trail, Miwok Trail, Stillwater Cove Trail	Coastal Access Trails are trails that provide access to the shoreline from roads or other trails. They allow pedestrians, and sometimes equestrians and bicyclists to reach the shoreline. They may have staircases, steps, switchbacks, retaining walls, or other structures to provide safe access.

### **3. PUBLIC ACCESS ACQUISITION**

Acquiring public access can be accomplished in several ways including, but not limited to, purchase or donation of property, dedication of an easement for public access, or establishing that continuous historic public use has established an access easement across private property. Wherever possible the County will achieve acquisition and pursue public access goals through working with willing sellers. (2023 Policy Option)

Acquisition location and priority are established by the Public Access Plan found in Appendix B.

#### **3.1 Goal, Objectives, and Policies**

**GOAL C-PA-1: Maximize public access to and along the Sonoma County coast. Minimize adverse impacts from public access to cultural resources, public safety, public health and the environment; and minimize adverse impacts from development on public access.**

**Objective C-PA-1.1:** Acquire public access to and along the Sonoma County coast through dedication of land, easements, or rights-of-way; fee purchase, or donation.

**Objective C-PA-1.2:** Acquire public accessways in a distributed network throughout the Sonoma County coast so as not to overburden any one area.

**Objective C-PA-1.3:** Acquire private accessways through easements and develop them into public accessways.

**Objective C-PA-1.4:** Prioritize acquiring specific public access facilities within the Sonoma County Coastal Zone.

#### *Land Acquisition Priorities*

**Policy C-PA-1a:** Implement the Public Access Plan as outlined in Appendix B as the set of primary policies for acquisition of public access on the Sonoma County coast.

**Policy C-PA-1b:** Evaluate safety, quality of destination, public need, stability of bluff, distance from other access points, potential impacts to coastal natural resources, compatibility with agricultural and residential uses, and ease of development and operation

of proposed access points. Use these criteria to establish three priority levels for acquisition as follows: –

- (1) ***Acquisition Priority I:*** Begin or continue efforts to acquire through purchase, permit requirements, donation, or other negotiations as necessary to implement the Public Access Plan.
- (2) ***Acquisition Priority II:*** Consider requiring an offer of dedication or dedication of an easement as a condition or approval of any Coastal Development Permit where an offer of dedication or a dedication of an easement is , appropriate, provided there is a nexus and proportionality for the exaction.

When all available Priority I properties have been acquired, take positive steps toward acquiring Priority II properties. If a time sensitive Priority II property is available, consider pursuing it before all Priority I properties have been acquired.

- (3) ***Acquisition Priority III:*** Consider requiring an offer of dedication or dedication of an easement as a condition of any Coastal Permit where an offer of dedication or a dedication of an easement is appropriate, provided there is a nexus and proportionality for the exaction. Offers of dedication for some Priority III properties may never be exercised because adequate access is provided by private owners, there is inadequate funding, or it is determined to not be in the public’s interest to open access.

When all available Priority I and II properties have been acquired, take steps toward acquiring Priority III properties. If a time sensitive Priority III property is available, consider pursuing it before all Priority I and II properties have been acquired. (2023 POLICY OPTION)

**Policy C-PA-1c:** Evaluate impacts to coastal natural resources, public safety, cost of development, operational needs, and distance from existing developed access points to establish three priority levels for development as follows:

- (1) ***Development Priority I:*** Encourage each agency or association owning or operating designated accessways to allocate funds immediately and develop Priority I accessways within their purview.
- (2) ***Development Priority II:*** Encourage each agency or association owning or operating designated accessways to allocate funds and develop Priority II accessways only when all Priority I and II accessways within their purview have been developed.
- (3) ***Development Priority III:*** Encourage each agency or association owning or operating designated accessways to allocate funds and develop Priority III accessways only when all Priority I and II accessways within their purview have been developed.

Development of accessways distant from existing developed access points are given higher priority. Safety and cost of development and operation are paramount concerns.

**Policy C-PA-1d:** Encourage acquisition and development of additional access trails that integrate with the Coastal Trail System where feasible. In the event that an opportunity arises for acquisition of property that is not identified in the Public Access Plan, the agency proposing the acquisition shall conduct an analysis covering the following points:

- (1) The relationship of the unforeseen opportunity to the recreational opportunities identified in the Public Access Plan, including analysis of how the unforeseen acquisition would meet those needs compared to facilities identified in the Plan; and
- (2) An analysis of the opportunity costs of the acquisition, including whether the proposed acquisition is intended to replace or supplement a facility identified in the Public Access Plan. This analysis may consider how the unforeseen opportunity may impact the acquisition of facilities identified in the Plan.

### ***Development Review***

**Policy C-PA-1e:** Require dedication of a public access easement, right of way, or fee title, where an offer of dedication or a dedication of an easement is appropriate provided there is a nexus and proportionality for the exaction, as a condition of approval for a Coastal Development Permit for projects along the alignment of the California Coastal Trail, or identified as a public access point by the Public Access Plan. The dedication shall be granted to the County of Sonoma or a State agency and must be approved by the agency accepting dedication prior to development of the project approved by the associated Coastal Development Permit. (2023 POLICY OPTION)

**Policy C-PA-1f:** Require dedication of a public access easement, right of way, or fee title, where an offer of dedication or a dedication of an easement is needed or appropriate, as a condition of approval for a Coastal Development Permit for projects that interfere or block historic public access points or routes. Work with the California Coastal Commission to ensure that any access rights that the public may have acquired through historic use are preserved. The dedication shall be granted to the County of Sonoma or a State agency and must be approved by the agency accepting dedication prior to development of the project approved by the associated Coastal Development Permit.

### ***Determining Access and Recreation Needs***

**Policy C-PA-1g:** Use the Public Access Plan project list found in Appendix B as the guide for determination of undeveloped (passive) park needs in the Coastal Zone, including County Regional Open Space Parks, Regional Trails, and State Parks in order to support coastal recreation.

**Policy C-PA-1h:** Consistent with California Government Code Section 66477 (the Quimby Act), require development to provide 5 acres of Community Parks, Neighborhood Parks, and Regional Recreation Areas per 1,000 residents in the Coastal Zone, or pay an in lieu fee. Developed park acreage that is open to the public within private residential areas shall count towards meeting the acreage standard.

***Maintaining and Managing Public Access***

**Policy C-PA-1i:** Sonoma County shall either accept or work in partnership with the California Coastal Conservancy, California State Parks, and non-profit land conservation partners such as Sonoma Land Trust, LandPaths, Wildlands Conservancy, and The Trust for Public Land to accept Offers of Dedication which increase opportunities for public access to the coast consistent with the County's ability to assume liability and maintenance costs.

**Policy PA-1j:** Require a Coastal Development Permit for closure of privately owned or controlled accessways that are open to public use or vacation of rights of way associated with public access or that provide access to existing or proposed access points. Proposals to close accessways and/or vacate rights of way shall be required to demonstrate that equivalent public access will be maintained within the property boundary or on an immediately adjacent parcel where the owner is willing to provide an access easement that does not adversely impact coastal natural resources. If providing alternative on-site or adjacent access is not feasible, offsite access may be considered if found to provide the same or greater access to the same area of the coast as the access point being closed.

**Policy C-PA-1k:** All Offers to Dedicate easements for public access shall be subject to the procedures in the California Code of Regulations Title 14, Division 5.5, Section 13574 (Procedures for Open Space Easements and Public Access Documents), and must be acceptable to the agency being offered the dedication.

**Policy C-PA-1l:** Support development of public accessways in locations where landowners have expressed an interest in providing access or where easements have been acquired that would allow development of public access. (2023 POLICY OPTION)

**Policy C-PA-1m:** Require Coastal Development Permit for vacations of Rights of Way within Sub Area 10 potentially impacting future access to the Estero Americano. The coastal permit shall only be approved if accompanied by findings that the vacation will not reduce existing or future public access opportunities, as a result of sale, or relinquishment of the existing right-of-way that could provide access to the Estero Americano. (2023 POLICY OPTION)

## 2. CALIFORNIA COASTAL TRAIL

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### 2.1 Goal, Objectives, and Policies

**GOAL C-PA-2:** Create a continuous California Coastal Trail system of walking, hiking, and bicycling access routes and trailhead connections that maximizes coastal access, ocean views, and educational opportunities while minimizing adverse environmental impacts.

**Objective C-PA-2.1:** Identify, prioritize, and develop California Coastal Trail sections as described in the Public Access Plan and outlined in figures C-PA-1 (a-k).

**Objective C-PA-2.2:** Provide a safe, continuous walking and hiking trail within the sight, sound, and smell of the ocean to the maximum extent feasible.

**Objective C-PA-2.3:** Provide a safe, continuous walking and hiking trail within the sight, sound, and smell of the ocean to the maximum extent feasible.

**Objective C-PA-2.4:** Study and implement future alignments of the California Coastal Trail that provide sufficient protection from the highest projection of erosion and sea level rise scenarios and preserve or establish native vegetation between the trail and the bluff edge.

**Objective C-PA-2.5:** Maximize connections to existing and proposed regional and local trail systems.

**Objective C-PA-2.6:** Ensure the California Coastal Trail has connections to trailheads, parking areas, interpretive kiosks, and inland trail segments at reasonable intervals.

**Objective C-PA-2.7:** Maximize ocean views and scenic coastal vistas from the California Coastal Trail where possible.

**Objective C-PA-2.8:** Provide an educational experience through interpretive facilities where feasible.

#### *Trail Location and Alignment*

**Policy C-PA-2a:** Multi-use trails, associated amenities, and passive recreational features shall be located to minimize impacts to sensitive habitats and other sensitive surrounding land uses, such as residences and agriculture.

**Policy C-PA-2b:** Study, identify, and develop future alignments of the California Coastal Trail that would be sufficiently protected from the highest projection of erosion and sea level rise scenarios and would preserve or establish native vegetation between the trail and the bluff edge.

**Policy C-PA-2c:** Provide a safe, continuous walking and hiking trail consistent with the principles of proximity, connectivity, integrity, respect and feasibility established by California Coastal Conservancy 2003 plan, “Completing the California Trail”. Wherever

feasible, the Coastal Trail should be within sight, sound, or at least the scent of the sea. The traveler should have a persisting awareness of the Pacific Ocean. It is the presence of the ocean that distinguishes the seaside trail from other visitor destinations.

Consistent with these principles, trail segments to the sight, smell and sound of the ocean as possible, or using the following standards:

- (1) Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be used.
- (2) Shoreline trail segments that may not be passable at all times, or that are not passable by bicycles, should be augmented by inland alternative routes that are passable and safe for pedestrians and bicycles.
- (3) New lateral trails along the bluff edge shall be set back a sufficient distance from the bluff edge to avoid impacts from erosion and sea level rise, generally 50 feet, and native vegetation shall be established and maintained between the trail and the edge to stabilize the blufftop if practical. (2023 POLICY OPTION)
- (4) Outlooks and other trail amenities shall be incorporated to discourage damage from informal trails.

**Policy C-PA-2d:** Where gaps in a continuous alignment are identified, employ temporary trail alignments to ensure continuity of the California Coastal Trail. Temporary segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned to its optimum location. Temporary segments should meet as many of the California Coastal Trail objectives and standards as possible. Reevaluate the temporary segment and proposed alignment every 5 years to determine feasibility of the proposed alignment and the need to revise the public access plan due to changed conditions or circumstances associated with the proposed permanent segment.

**Policy C-PA-2e:** Avoid locating the California Coastal Trail along or on roads with motorized traffic where feasible. In locations where it is not possible to avoid siting the trail along or on a roadway, the trail should be located off of the pavement, and separated from traffic by a safe distance or by physical barriers that minimize obstruction or detraction from, the scenic views and visual character of their surroundings. In locations where the trail must cross a roadway, safe under- or over-crossings or other alternative at-grade crossings should be considered in connection with appropriate directional and traffic warning signage. (2023 POLICY OPTION)

**Policy C-PA-2f:** The California Coastal Trail should use existing oceanfront trails and recreational support facilities to the maximum extent feasible.

### *Trail Design and Construction*

**Policy C-PA-2g:** Access and recreational facilities associated with the California Coastal Trail, as well as the Trail itself shall be sited, designed and maintained to avoid or mitigate erosion, as well as accommodate long term impacts of sea level rise, and climate change.

**Policy C-PA-2h:** Provide adequate parking and trailhead facilities for the California Coastal Trail. Consider public safety concerns, protection of environmentally sensitive habitat areas, and use patterns including the proximity of other nearby parking and trailhead facilities when determining locations.

**Policy C-PA-2i:** Provide low cost overnight camping and lodging facilities at reasonable intervals along the California Coastal Trail corridor to support long distance and other hiking and bicycling excursions. (2023 POLICY OPTION)

**Policy C-PA-2j:** The Coastal Trail should be designed and located to minimize impacts to environmentally sensitive habitat areas consistent with **Policy C-OSRC-8f**. Where necessary to prevent disturbance to sensitive species, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible. For situations where impact avoidance is not feasible, appropriate mitigation measures should be incorporated, including but not limited to, use of boardwalks, reducing trail width and protective fencing.

**Policy C-PA-2k:** The Coastal Trail should be designed to maximize compatibility with agricultural lands and uses.

**Policy C-PA-2l:** Require construction of California Coastal Trail segments as conditions of approval for coastal development along the alignment involving other new or major replacement infrastructure, such as realignment of Highway 1.

## **2.2 Program**

**Program C-PA-2-P1** Evaluate preservation of portions abandoned piers and associated onshore buildings in Bodega Bay if they can provide coastal access along the California Coastal Trail, and can be restored to and maintained in safe condition.

## **3. ACCESS PLANNING AND DEVELOPMENT**

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**Facility Improvements.** Necessary facilities at a particular site depend on the expected use and the availability of facilities nearby. Because the level of use is expected to increase over time, facilities may be developed in several phases with new or expanded facilities added as needed. Among the facilities needed for public access and outdoor recreation destinations are: safe trails, restrooms, parking areas, trash receptacles, and signs.

**Quality of Destination.** The desirability and capacity of coastal destinations are important considerations in locating public access points. Areas with few attractions and limited space may not

justify the cost of development and operation. However, as the population expands and overuse impacts the existing destinations, the importance of every potential public access point increases.

**Impacts on Environment.** The environmental carrying capacity, protection of wildlife habitat, protection of views, and the psychological and social capacity of recreational lands are important factors to consider in planning and developing recreational facilities. Quantifying and measuring recreational carrying capacity is difficult and each site is unique.

The Local Coastal Plan generally supports distributing recreational facilities where compatible with the sensitivity and suitability of an area. Distributing recreational facilities throughout the Sonoma County coast helps prevent overuse and damage to the coastal environment in any one location. Often it is most efficient to utilize existing park service centers and consolidate significant developed park infrastructure to support the facilities. The existing park service centers are well-situated to serve additional dispersed recreation.

In planning for recreational activities, substantial modifications of the natural environment for a specific activity should be first avoided, then minimized when avoidance is not possible. The Coastal Act specifies that coastal dependent uses permitted on the coast have priority over non-coastal dependent recreational uses. While oceanfront sites enhance coastal facilities such as hotels, restaurants, and campgrounds, such locations may affect important coastal views from the highway and adjacent recreation areas.

Development of park facilities must also include consideration of water supply and wastewater disposal. Groundwater resources in the Coastal Zone are scarce and near the shoreline are at risk from sea level rise; facility planning should include an early evaluation of water supply capability if water use or availability is required to support the proposed facility.

**Peak Use.** Peak use issues can be addressed through a variety of approaches. Visitors can be encouraged to use Sonoma County Transit, Mendocino County Transit, and carpool, reducing the need for new parking areas (see California Coastal Act Section 30252.1). Interpretive materials and programs can be provided to help connect visitors with lightly used access points they may not have known about such as Shorttail Gulch or Bodega Dunes Beach that provide alternatives to crowded locations such as Doran Beach or Salmon Creek Beach.

Completion of the California Coastal Trail will connect most access points, allowing visitors to park wherever parking is available and use the trail to reach their preferred access point. Heavy use at particular access points can be distributed by creating additional trails with coastal views on parkland east of State Highway 1. The Dr. Joseph Trail (Pomo Trail) is a good illustration of a popular trail with coastal views east of the highway. Measures to address use patterns at specific access points are in the Public Access Plan.

**Liability.** Liability is a concern of both public agencies and private property owners regarding public access. State laws do provide some immunity from liability. California Government Code Sections 831.2 and 831.4 provide immunity to public agencies for public recreational use of public lands and recreational trails and roadways, releasing agencies from liability if a person is injured while using the facility. California Civil Code Section 846 grants immunity to private landowners who allow people to use their property for recreational purposes. However, if a fee is collected the private landowner loses this immunity.



**Coastal Permit Findings.** The California Coastal Act requires that every coastal development permit issued for new development located between the nearest public road and the sea (i.e., west of State Highway 1) or the shoreline of any body of water located within the Coastal Zone include a specific finding that such development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act. This policy does not apply to types of development not considered new development, as outlined in Coastal Act Section 30212.

New development that is in conformance with the Public Access Plan of the Local Coastal Plan is not required to provide access as the Public Access Plan is certified as being in conformance with access requirements of the Coastal Act.

If the new development is not in conformance with the Public Access Plan, public access from the nearest public roadway to the shoreline and along the coast (i.e., granting of an easement to allow vertical access to the mean high tide line or lateral access) shall be provided on the project site with the following exceptions:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; or
- (2) Adequate access exists nearby; or
- (3) It would have a significant adverse impact on agriculture as determined by the California Coastal Commission (Coastal Act Section 30212).

### **3.1 Goal, Objectives, and Policies**

**GOAL C-PA-3: Maximize public access to and along the Sonoma County coast. Minimize adverse impacts from public access on people and the environment; and minimize adverse impacts from development on public access.**

**Objective C-PA-3.1:** Minimize barriers to public coastal access to the maximum extent feasible, including ensuring that public access and recreational opportunities account for the social, physical, and economic needs of all people.

**Objective C-PA-3.2:** Maintain and enhance public access to and along the Sonoma County coast.

**Objective C-PA-3.3:** Provide adequate facilities at public accessways.

**Objective C-PA-3.4:** Develop and maintain public accessways so as to protect public health and safety, protect sensitive visual and natural resources, and prevent adverse impacts on adjacent properties.

**Objective PA-3.5:** Ensure that development does not adversely affect existing and potential public accessways.

**Objective PA-3.6:** Prioritize development of specific public accessways.

**Objective PA-3.7:** Provide enough camping to meet the latent demand, and to provide a range of camping experiences.

### ***Public Access Development Priorities***

**Policy C-PA-3a:** The Public Access Plan shall establish priority of development of public access facilities such as trails, visitor serving centers, etc. on the Sonoma County coast.

**Policy C-PA-3b:** Require new development adjacent to public access and recreation areas vulnerable to coastal bluff erosion or sea level rise to be sited and designed to anticipate eventual loss and necessary replacement of such public access and recreation areas.

**Policy C-PA-3c:** The distance between coastal access trails and residences should be as large as possible to protect the quality of the user experience and the privacy of the occupants of the residence. Access facilities shall be designed and managed to minimize conflicts with residential development.

**Policy C-PA-3d:** Adopt a long-range plan or Master Plan for each facility that identifies and describes improvements necessary for continued operation, and adaptation to sea level rise and climate change.

**Policy C-PA-3e:** All proposed public access in the Public Access Plan has been designated from the highest to lowest priority for development as Development Priority I, II, or III. The emphasis for development priority is different than that for acquisition priority. Developing accessways distant from existing developed access points are given higher priority. Public safety and the costs of development and operation are principal concerns.

Implement the Development Priorities for the Public Access Plan as follows:

- (1) ***Development Priority I:*** Encourage each agency or entity owning or operating designated public access facilities to prioritize available funds towards developing Priority I public access facilities within their purview;
- (2) ***Development Priority II:*** Encourage each agency or entity owning or operating designated public access facilities to prioritize available funds towards developing Priority II public access facilities only when all Priority I public access facilities within their purview have been developed or if funding specific to a site becomes available; or
- (3) ***Development Priority III:*** Encourage each agency or entity owning or operating designated public access facilities to prioritize available funds towards developing Priority III public access facilities only when all Priority I and II public access facilities within their purview have been developed.

### ***Development Review***

**Policy C-PA-3f:** Consider alternative mitigation measures for the impact of new development on public access in cases where development of certain public access facilities

or improvements are found to be infeasible due to potentially significant impacts on public safety, agriculture, environmentally sensitive habitat areas, or cultural resources. Alternative mitigation measures include but are not limited to development of off-site public access points of equivalent public access opportunities. If off-site public access points are developed as mitigation for the impact of new development on public access, these access points shall be as close as feasible to the location of the impact on public access.

**Policy C-PA-3g:** Where adverse impacts to existing public coastal access cannot be avoided by new development and no feasible alternative exists, ensure that impacts are mitigated by dedication of a new access or trail easement providing equivalent access, or a proportionate fee to develop or improve other public coastal access points identified as Priority 1 Development by the Public Access Plan.

**Policy C-PA-3h:** Conduct public hearings for review of the Coastal Permits for an existing coastal access trail if there is evidence of degradation of resources in the area of the facility or significant public interest in the facility. Any proposal to reduce or close an existing public coastal access point or trail as a result of such review shall be reviewed by the California Coastal Commission.

**Policy C-PA-3i:** Conduct visual analysis prior to siting parking areas for accessways.

**Policy C-PA-3j:** Protect and encourage a range of accommodations in parks, including the provision of low cost accommodations where appropriate, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, and hostel and sleeping cabin facilities. Use existing buildings and structures for these accommodations where feasible.

**Policy C-PA-3k:** Locate campgrounds, whenever possible, in areas that have already been disturbed by prior uses and consequently where cultural and biotic resources are typically limited. Campgrounds should be sited in a manner that protects visual resources and consistent with County development standards. Provide separate walk-in, tent, and recreational vehicle camping areas.

**Policy C-PA-3l:** Scale the capacity of planned public access facilities to be consistent with available water supply and available septic or sewer capacity.

### ***Public Access Facilities***

**Policy C-PA-3m:** Provide safe and clear public access trails constructed with pervious surfaces. Improvements should be designed to be safe, minimize impacts to sensitive resources, minimize maintenance costs, and provide disabled accessibility to the extent feasible without substantially impacting sensitive resources.

**Policy C-PA-3n:** Provide trash and recycling receptacles and their servicing at all major public access facilities.

**Policy C-PA-3o:** Provide clear directional signs at all public access facilities to indicate the location of trail heads and public parking at the minimum number of signs necessary for easy navigation by the public. Signs shall be compatible with surrounding views and visual resources, consistent with County Visual Resource Assessment Guidelines. (2023 POLICY OPTION)

**Policy C-PA-3p:** At trailheads with parking lots provide information, such information about regulations, contacts in case of an emergency, natural resources, the potential for fires, and the need for user cooperation. (2023 POLICY OPTION)

### ***Temporary Events***

**Policy C-PA-3q:** Until completion of **Program C-PA-3** continue to apply zoning permit standards for temporary private events on public beaches, trails, streets, recreational facilities, and/or any other area otherwise open and available for general public use, consistent with the California Coastal Commission 1993 “*Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements*”. Temporary events are excluded from Coastal Development Permit requirements except for those that meet all of the following criteria:

- (1) Are held between Memorial Day weekend and Labor Day; and,
- (2) Occupy all or a portion of a sandy beach area; and,
- (3) Involve a charge for general public admission, participation, or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Events that do not meet this criteria may still be subject to a Coastal Development Permit if Permit Sonoma or the California Coastal Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

- (1) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
- (2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources;

- (3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- (4) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

For the purposes of this Policy, the following definitions shall apply:

- (1) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.
- (2) "Limited duration" means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;
- (3) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation.
- (4) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through the event itself.
- (5) "Sandy beach area" includes all publicly owned and all privately owned sandy areas fronting on coastal waters.

### 3.2 Programs

**Program C-PA-1:** Prepare a long-range plan or Master Plan for each State or County Park or Preserve consistent with priorities in the Public Access Element in conjunction with park development planning.

**Program C-PA-2:** Develop policies for review of applications for temporary private events on beaches, parkland, filled tidelands, water, streets, or parking areas which is otherwise open and available for general public use consistent with the California Coastal Commission 1993 "*Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements*". The policies shall consider the type of associated coastal-dependent activities; displacement of public use; number of people; season, weekday or weekend, and hours; location and area relative to size of beach and public accessways; pedestrian access;

transportation and parking; amplified music and other noise; equipment; temporary structures and enclosures; food service; warming fires; signage; admission fee; wastewater and solid waste disposal; and required mitigation measures.

### 3.3 Initiatives

**Initiative C-PA-1:** Expand collection of data on visitor use of public access facilities and the methods used for monitoring visitor use patterns, to adjust to increasing demand for facilities and to assist in identifying needs for additional facilities.

**Initiative C-PA-2:** Encourage partnerships between public agencies and private organizations that maximize the efficiency of operating and maintaining public facilities and preventing public access facility closures.

## 4. PARKING

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Outside of the developed area of Bodega Bay, parking along State Highway 1 is primarily used by visitors accessing the coast. Parking management influences the capacity of Highway 1 since visitors slow down while searching for parking spaces and the numerous parking lots and turnouts tend to slow traffic. Between Bodega Bay and Jenner, State Highway 1 is adjacent to the Sonoma Coast State Beaches. Roadside parking in this area is heavy and often supported by paved, striped parking lots. North of Jenner Russian Gulch and Vista Trail provide the only off road parking, although there are numerous small turnouts. Further north, Fort Ross State Historic Park, Stillwater Cove Regional Park, and Salt Point State Park provide some off-highway parking for developed park areas only. Gualala Point Regional Park and The Sea Ranch Coastal Access Trails all have off-highway parking.

While automobile dependency must be reduced, providing parking for visitors to the Sonoma Coast will continue to be necessary until an adequate public transportation system is established. Parking improvements needed on the Sonoma County coast include developing new and enlarging existing parking facilities to reduce hazardous parallel parking, improving signs and entrances to and exits from parking facilities, and increasing capacity by delineating parking spaces. Parking improvements are most needed in the Sonoma Coast State Park area between Bodega Bay and North Jenner Beach, where traffic levels and demand for parking spaces are greatest.

### 4.1 Goal, Objectives, and Policies

**GOAL C-PA-4:** Establish a no or low cost parking system with adequate parking facilities for coastal parks, beaches, accessways, and trails throughout the Sonoma County coast, with minimal impacts on views, public safety, and natural resources.

**Objective C-PA-4.1:** Ensure that adequate parking facilities, including no-or -low cost parking improvements, are provided for each new or expanded public access facility.

**Objective C-PA-4.2:** Identify, prioritize, and implement parking improvements, including no-or -low cost parking improvements at parklands.

**The following policies, in addition to policies in the Circulation and Transit Element, shall be used to achieve these objectives:**

### *Locating and Developing Parking Improvements*

**Policy C-PA-4a:** Develop adequate parking facilities in conjunction with development of new public access facilities. Parking may be developed in phases as use levels increase. At public access facilities, provide the maximum parking capacity that does not reduce public safety or significantly impact the environment.

**Policy C-PA-4b:** Provide bicycle racks or locked bicycle storage areas at State and County Regional Parks, beaches, and other developed parklands.

**Policy C-PA-4c:** Locate parking areas to directly connect with trails if possible. In locating new, large parking lots, consider the landward (east) side of State Highway 1 to reduce impacts to ocean views if safe trail crossings of the highway can be provided.

**Policy C-PA-4d:** When feasible locate parking in areas screened from public view.

### *Equitable Access*

**Policy C-PA-4e:** Provide and maintain free or low cost parking for users of public access facilities and public access points, subject to restrictions necessary to protect coastal resources, such limiting number of parking spaces to avoid impacts. (2023 POLICY OPTION)

## **4.2 Programs**

**Program C-PA-4-P1:** Encourage the provision of transit, bicycle and pedestrian pathways, and other vehicle use reduction measures such as carpooling to reduce vehicle use to and between public and private access facilities on the coast to reduce the number of vehicles on State Highway 1 and the demand for parking spaces.

**Program C-PA-4-P2:** Evaluate the feasibility of a Bodega Bay water taxi to connect existing recreational and commercial facilities and reduce automobile dependency.

**Program C-PA-4-P3:** Evaluate feasibility of providing bus shuttle service from inland areas to popular coastal destinations and support expanded bus transit service consistent with the Circulation and Transit Element Policy C-CT-2d, Program C-CT-2-P1 and Initiative C-CT-2-II.

## **5. FACILITY MANAGEMENT AND OPERATION**

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Facilities that provide public access must be managed. An agency or organization must be willing to accept responsibility for maintaining and operating the facility before it is opened to the public. Appropriate public agencies include State Parks, County Regional Parks, and California Department

of Fish and Wildlife. The County would give preference to public agencies for accepting and operating facilities. If it is not feasible for a public agency to accept a particular facility, an organization may do so after a public hearing has been conducted.

In some cases, the managing entity is different than the property owner. For example, State Parks has an agreement with County Regional Parks to operate several parcels adjacent to Stillwater Cove Regional Park on the north. This is because these parcels are close to the County Park facility. Other possibilities are public ownership of a facility which is leased back to a private party for operation, and ownership and operation of a public access facility by a private owner such as a business or non-profit group.

### ***Allowable Activities***

Allowable activities at coastal access facilities are governed by easement or deed conditions and the general plan or master plan for the specific facility. Typically, in passive use areas, allowed recreational uses include activities normally associated with beach use but do not include organized sports activities, campfires, or vehicular access.

### ***Funding***

The funding for the operation and maintenance of public park facilities can be difficult for public agencies and private businesses and nonprofits to support during challenging economic times. Because of the numerous access points to existing facilities, temporary closures are often ineffective at preventing access to facilities and can cause additional issues.

### ***Maintenance***

Properly maintaining access facilities is essential to protect natural resources and public safety and to prevent adverse impacts on adjacent properties. Coastal Permit conditions and renewals help ensure that maintenance is adequate.

### ***Policing***

Policing of recreational facilities is provided by the operating agency or private organization. The two public agencies that police most of the public recreational facilities on the Sonoma County coast are State Parks and County Regional Parks. In addition, the California Highway Patrol, State Department of Fish & Game, and County Sheriff play an important role. Current staffing levels for public agencies and many private organizations is limited.

### ***Private Fee Access***

A few landowners charge minimal day use access fees that permit the general public the opportunity to reach the shoreline, providing additional public access points. By controlling access by fee and location, the property owner can operate trails, parking, and boat launching in a manner that affords minimum interference with other land uses.



## 5.1 Goal, Objective, and Policies

**GOAL C-PA-5:** Ensure that public access facilities are operated and maintained to protect natural resources and public safety and to prevent adverse impacts on adjacent properties.

**Objective C-PA-5.1:** Require that the public access facilities are properly operated and adequately maintained to maximize public access.

### *Public Access and Recreation Planning*

**Policy C-PA-5a:** California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) environmental analyses on proposed State Parks or County Regional Parks projects shall include estimates of current and future visitor use based on data supplied by the agency operating the facility, and analyses of adequacy of the proposed facilities to meet county-wide current and future visitor demand.

**Policy C-PA-5b:** Planning for new, expanded, or improved State Park and County Regional Park facilities shall take into consideration the balance of distribution of facilities between the North Coast and South Coast given the higher demand for facilities located between the Russian River and Bodega Bay.

### *Public Access and Recreation Operations and Maintenance*

**Policy C-PA-5c:** When new recreation facilities are proposed, assess proposed staffing plans of the operating agency to ensure adequate staffing for maintenance and security.

**Policy C-PA-5d:** Use Coastal Permit conditions and renewals to ensure that recreation and access facilities are properly maintained to protect natural resources and public safety and to minimize adverse impacts on adjacent properties.

### *Public Access Facility Closures*

**Policy C-PA-5e:** The following guidelines shall be applied to closures of public access facilities:

- (1) A beach closure or curfew cannot apply to the area of original jurisdiction of the California Coastal Commission (State tidelands, submerged lands, and public trust lands), including but not necessarily limited to the area seaward of the mean high tide line.
- (2) Public access to the water's edge and at least 20 feet inland of the wetted substrate (sand and rocks) of all beaches shall be allowed at all times, except when access is restricted to prevent impacts to protected natural resources, such as marine mammal haul out areas.

- (3) Closure to public use of any portion of the beach inland of the mean high tide line is not encouraged, and would require a coastal development permit, a condition of which must include maintenance of the public's right to gain access to State tidelands, except when closure is necessary to prevent impacts to protected natural resources, such as marine mammal haul out areas.
- (4) Measures that limit public use of the beach shall be limited to those necessary to address documented events that could create a risk or hazard to public safety or adverse impact to the environment, and shall be the minimum necessary to address that potential risk or hazard. The need for continuation of measures that provide public safety but that limit public access to the beach shall be reassessed on a periodic basis to assure maximum feasible public access to the beach is provided.

## 6. RECREATIONAL BOATING

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The California Coastal Act of 1976 supports coastal-dependent development stressing protection of recreational boating and necessary support facilities. While Bodega Harbor is known primarily for its commercial boating, recreational boating is also important at the harbor.

### 6.1 Goal, Objectives, and Policies

**GOAL C-PA-6: Provide adequate recreational boating facilities at parks, harbors, and marinas on the Sonoma County coast.**

**Objective C-PA-6.1:** Identify and develop the recreational boating facilities needed at parks, harbors, and marinas.

**Objective C-PA-6.2:** Develop a sustainable economic approach to support the boating facilities in Bodega Bay.

**Policy C-PA-6a:** Encourage public and private harbor and marina operators to accommodate existing and future demand for recreational and commercial boating facilities.

**Policy C-PA-6b:** Encourage continuing the existing boat rental and launch facilities at the coast and coastal waterways and providing additional facilities that provide new recreational opportunities compatible with natural resources.

**Policy C-PA-6c:** Provide the maximum public access feasible to new boat wharves and piers.

**Policy C-PA-6d:** Encourage the establishment of waterway trails for non-motorized boating to promote environmentally sensitive water based education, recreation, and tourism. Provide information at launch sites for safe and responsible boating.

## **6.2 Initiatives**

**Initiative C-PA-6-I1:** Work with Regional Parks to evaluate the reuse of Mason’s Marina to concentrate the County’s marina services and to support other boating related uses.

**Initiative C-PA-6-I2:** Encourage the formation of a harbor district at Bodega Bay to improve recreational and commercial boating. The harbor district could facilitate the economic basis for providing improved boating facilities and public outreach.