



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Policy Options

The attached discussion papers cover a range of policy options requested by the Board of Supervisors at the April 4, 2023, public hearing as part of their review of the Planning Commission Recommended Local Coastal Plan. The topic areas include:

- Agricultural uses
- Public access
- Fire fuel management
- Preservation of non-commercial forest and woodlands
- Site-specific policies for visitor serving development
- Pesticide regulation

The Board of Supervisors public hearing to review adoption of the July 2023 Board of Supervisors Draft of the Local Coastal Plan Update is scheduled for July 17, 2023.

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Sonoma County Local Coastal Plan Update Discussion Paper July 17, 2023

Summary:

The changes discussed below are represented in the July 2023 Board of Supervisors Draft of the Local Coastal Plan Update. The Draft corrects technical errors that have been identified during the Local Coastal Plan development and public hearing process and provides some inline Policy Alternatives for selection of the Board. At the April 4, 2023, hearing for the Local Coastal Plan the Board supported staff's recommendation for the following policy option discussion papers:

- Support for the U.C. Davis Bodega Marine Laboratory
- Expanded opportunities for new campgrounds
- On-shore facilities related to off-shore wind energy or seabed mining
- Site-specific policies for visitor serving development

The Board did not request further review of the policy option topics listed above and therefore, not included in the July 17, 2023, Policy Discussion Papers.

The July 2023 BOS Draft of the Local Coastal Plan Update incorporates the April 4, 2023, direction. Where additional options were requested by the Board Multiple versions of the same Policy are provided for consideration. Policy Alternatives are further discussed in corresponding topic-based papers.

Document Formatting:

Policies and proposed alternatives are represented inline in the proposed Draft with the proposed policy numbers. Where multiple alternatives are available for the same policy the policy number is followed by (ALT #). For example Policy C-OSRC-1d and Policy C-OSRC- 1d (Alt 1) as proposed in the Open Space and Resource Conservation Element occupy the same Policy number space in the draft and only one of the proposed policies is intended to be adopted within the plan. Should the adopted Policy be the (Alt #) the recommended action would include striking the parenthetical alternative reference upon adoption.

Example:

- ~~**Policy C-PS-5j**~~: Exclude vegetation removal associated with defensible space activities consistent with state or local guidelines from the requirements of a Coastal Development Permit, when such activities are done in conjunction with an allowed or permitted use and will not result in type conversion of the existing vegetation community.
- **Policy C-PS-5j (Alt 1)**: Allow vegetation removal associated with defensible space activities consistent with state or local guidelines, when such activities are done in conjunction with an allowed or permitted use and will not result in type conversion of the existing vegetation community. Vegetation removal limited to the above defensible space activities shall not be considered major vegetation removal for the consideration of Coastal Development Permit requirements.



Sonoma County Local Coastal Plan Update Discussion Paper July 17, 2023

To date previous drafts of the Local Coastal Plan Update included parenthetical citations which indicated the origin or most recent source of edits for a proposed policy or language, for example, "GP2020", "GP2020 Revised", "Existing LCP Existing", "LCP Revised". These citations were intended to be removed prior to adoption. The July 2023 BOS Draft Local Coastal Plan includes "2023 Policy Option" citations to show revised or new policy language. All other parenthetical citations were removed, however, are still visible through the track changes version of the Plan.

Recommended Action:

Staff recommendations are provided within each of the July 17, 2023, Policy Discussion Papers.

General Corrections:

Corrections are included in the Draft for policy numbering errors, incorrect internal references or consistency errors, spelling and grammar errors, and consistency with local, state, and Federal regulations and adopted plans.

Mapping Corrections:

Map Correction: Area 8 Pacific View/Willow Creek Land Use:

As part of the initial development of the Local Coastal Plan between February and August of 2015, staff evaluated agricultural and resource land used to reduce split land use of parcels and improve consistency with criteria for Diverse Agriculture, Land Extensive Agriculture, Resources and Rural Development and Timber Production. In Area 8, the parcel in Willow Creek Valley were changed from Resources and Rural Development, consistent with existing resources and historic use of this land as commercial timberland. A later version of this map, produced as part of the 2019 Public Review Draft, incorrectly showed Timber Production land use on parcels 097-210-004, 097-210-005, 101-090-001, and 101-090-009, which are outside of the Willow Creek watershed, do not meet the criteria for Timber Production land use designation, and historically have been used for grazing of cattle. Additionally, parcel 101-090-009 is under a Williamson Act contract, obligating the owner to maintain an agricultural enterprise on this parcel.

Correction Comment: Revise Land Use Map Figure C-LU-1h to designate land use for APN 101-090-001 and 101-090-009 as Resources and Rural Development, consistent with current zoning and land use designation in the 2001 Local Coastal Plan.

Map Correction: Appendix B Public Access Plan Figures C-PA-1a through -1k

Appendix B: Public Access Plan and the Public Access maps, identify areas in the county where public access may be available. Figures C-PA-1a through -1k provide a visual representation of where these sites are generally located. The location shown on these maps are not intended to indicate a precise location for development of a specific planned access point.

Correction Comment:

Revise Figures C-PA-1a through -1k revised to reflect current status of access point and trailhead. Several points are not consistent with the current status as listed in Appendix B: Public Access Plan.



Sonoma County Local Coastal Plan Update Discussion Paper July 17, 2023

Incorporation of Additional Direction:

Under the general direction of the Board staff has also incorporated a series of corrections to the July 2023 BOS Draft Local Coastal Plan. Some of these changes were specifically directed by the Board and others were identified as improvements related to incorporating the Policy Options previously directed but not discussed in another topic paper.

Proposed New Initiative:

A new initiative is proposed to be added in Section 6, Communities of the Land Use Element:

Initiative C-LU-I1: Continue to process development applications within the Bodega Harbour subdivision consistent with the 1977 Settlement Agreement and existing exclusion orders. (2023 Policy Option)

Comment: This initiative was added to reflect current practice and parallel the amendments to **Policy C-OSRC-3f:** Development shall follow applicable community-specific design guidelines for The Sea Ranch, Timber Cove, Bodega Harbour, and Sereno del Mar in addition to the Coastal Design Guidelines (Appendix A). In the case of conflict, community specific design guidelines shall supersede the Coastal Design Guidelines. Development in Bodega Harbour shall be consistent with the 1977 Settlement Agreement between Transcentury Properties and the California Conservation Commission (Appendix A-1M) (2023 POLICY OPTION)

Proposed New Objective:

A new Objective was added to the Open Space and Resource Conservation Element:

Objective C-OSRC-6.3: Support protection, restoration, and appropriate identification of Marine Protected Areas. (2023 POLICY OPTION)

Comment: The proposed objective reflects policy discussion throughout the hearing process and further supports policies of the Marine Habitats Section of the Open Space and Resource Conservation Element calling for preservation and protection of marine habitats. The proposed objective further supports Policy amendments tentatively supported by the Board of Supervisors at the April 4, 2023 hearing related to kelp beds and potential program to explore Sea Otter reintroduction.

Appendices:

Appendix B the Public Access Plan, and Natural Resources Appendix E were updated with proposed technical corrections to reflect current conditions, improve clarity, and to ensure consistent references within the 2023 Draft Local Coastal Plan. Changes to the Public Access Plan include updating the status of "Proposed" to "Existing" for public access points that have changed since the Draft Public Access Plan was last updated in 2019. Additional changes include updates to reflect the current descriptions and status of each point as identified in the revised Public Access Map Series **Figures C-PA-1a-1k**. Public Access Point A-1 as described in the 2019 Draft Public Access



Sonoma County Local Coastal Plan Update Discussion Paper July 17, 2023

Plan was located in Mendocino County and was deleted consistent with direction for the Estero Americano, Sub Area 10 Figure C-PA-1k, to remove designated Access Points outside of Sonoma County.

Appendix E Natural Resources was updated to improve clarity and to correct outdated policy references from the 2019 Draft of Appendix E.

Appendix M 1977 Settlement Agreement between Transcentury Properties and the California Conservation Commission was added to supersede the previously referenced Appendix A-1, a portion of the design. Policy reference to this Appendix was updated in the Open Space and Resource Conservation Element to reflect the change to an independent Appendix but no content of the appendix was changed.



Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

Agricultural Uses: Policy Option Summary

The July 2023 Board of Supervisors Draft of the Local Coastal Plan contains a series of policies related to agricultural uses in the coastal zone. Comments have been received that the current Local Coastal Plan policies regarding fencing and agricultural operations do not provide adequate guidance for how these policies will be implemented. Different interpretations of these policies could create conflicts between protection of coastal resources and maintaining agricultural operations.

Board of Supervisors Review:

On April 4, 2023, the Board of Supervisors reviewed the July 2023 Board of Supervisors Draft of the Local Coastal Plan and provided staff direction to conduct targeted outreach and to return with additional policy options for agricultural uses in the coastal zones. During this public hearing, the Board recommended staff replace "agricultural enterprise" in the Draft LCP and replace with "agricultural operations" consistent with the Sonoma County's Right-to-Farm ordinance, as written below.

***Agricultural Operation:** means and includes, but shall not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, processing, and storing of any agricultural commodity, including viticulture, horticulture, timber, or apiculture, the raising of livestock, fur bearing animals, fish, or poultry, and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.*

Planning Commission Action:

The Planning Commission Recommended Local Coastal Plan defines "Agricultural Operation" as "a specific agricultural use or business." A policy option was provided to replace this with the term "Agricultural Enterprise" as found in the Coastal Zoning Code. The Planning Commission recommended two policies that regulate fencing, Policy C-OSRC-1c and Policy C-OSRC-4d. The Board reviewed the Planning Commission recommended draft and directed staff to work with stakeholders to draft up clearer policy language for agricultural uses.

Policy Options: Land Use Tables

- A. No change from Planning Commission recommendation.
- B. Revisions to Land Use Element, Table C-LU-3 Land Use and Zoning Tables to reflect technical corrections approved by the Board of Supervisors on April 4th, 2023; remove horses, donkeys, mules, from Table C-LU-3; and remove the four-units per parcel density limitation.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

Policy Option A. Planning Commission Recommendation:

Land Extensive Agriculture

Purpose	To enhance and protect land best suited for non-intensive agriculture of relatively low production on relatively large parcels, by establishing densities and parcel sizes that are conducive to continued agricultural production.
Corresponding Zoning District(s)	Land Extensive Agriculture (LEA)
Principally Permitted Use	Agriculture, defined as the production of food, fiber, plant materials, and the raising and maintaining of horses, donkeys, mules, and similar livestock and farm animals, and closely related essential support uses including incidental preparation of agricultural production, and limited farm-related residential development supporting farm families and agricultural workers. (CCC REVISED)
Minimum Parcel Size	Land divisions shall be permitted only for the purpose of increasing or enhancing agricultural production and must result in a minimum parcel size of 640 acres.
Allowable residential density	One single-family residence per 160 acres or one per parcel, if a parcel is less than 160 acres, when supporting agricultural uses onsite. All dwelling units shall be clustered in relation to physical land features and property management conditions. All dwelling units shall be subordinate to and consistent with agricultural production and shall comply with Agricultural Resources Element policies.
Other Residential Uses	Agricultural employee units and farm family housing that do not count toward density, and are associated with the principally permitted use. In no case shall the total number of residential units exceed four units per parcel. (CCC REVISED)
Designation Criteria	A Land Use Map Amendment to apply the Land Extensive Agriculture land use designation requires a Local Coastal Plan Amendment, subject to certification by the California Coastal Commission, and must meet the standards in Chapter 3 of the California Coastal Act, be consistent with other policies of the Local Coastal Plan, and meet one or more of the following criteria: <ol style="list-style-type: none"> 1. Soil and water are adequate for livestock grazing or other crop production. 2. Most parcel sizes in the area are greater than 60 acres. 3. Existing or historic use for livestock grazing, dairy ranching, hay or similar forage crop.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

Policy Option B. Revisions to Land Use Element Land Use and Zoning Tables:

Land Extensive Agriculture

Purpose	To enhance and protect land best suited for non-intensive agriculture of relatively low production on relatively large parcels, by establishing densities and parcel sizes that are conducive to continued agricultural production.
Corresponding Zoning District(s)	Land Extensive Agriculture (LEA)
Principally Permitted Use	Agriculture, defined as the production of food, fiber, plant materials, and the raising and maintaining of horses, donkeys, mules, and similar livestock and farm animals, and closely related essential support uses including incidental preparation of agricultural production, and limited farm-related residential development supporting farm families and agricultural workers. (CCC REVISED, 2023 POLICY OPTION)
Minimum Parcel Size	Land divisions shall be permitted only for the purpose of increasing or enhancing agricultural production and must result in a minimum parcel size of 640 acres.
Allowable residential density	One single-family residence per 160 acres or one per parcel, if a parcel is less than 160 acres, when supporting agricultural uses onsite. All dwelling units shall be clustered in relation to physical land features and property management conditions. Dwelling units shall be sited and designed to be consistent with agricultural operations. All dwelling units shall be subordinate to and consistent with agricultural production and shall comply with Agricultural Resources Element policies. (2023-2023 POLICY OPTIONS)
Other Residential Uses	Agricultural employee units and farm family housing that that do not count toward density, and are associated with the principally permitted use. In no case shall the total number of residential units exceed four units per parcel. (CCC REVISED) (2023 POLICY OPTIONS)
Designation Criteria	A Land Use Map Amendment to apply the Land Extensive Agriculture land use designation requires a Local Coastal Plan Amendment, subject to certification by the California Coastal Commission, and must meet the standards in Chapter 3 of the California Coastal Act, be consistent with other policies of the Local Coastal Plan, and meet one or more of the following criteria: <ol style="list-style-type: none"> 1. Soil and water are adequate for livestock grazing or other crop production. 2. Most parcel sizes in the area are greater than 60 acres. 3. Existing or historic use for livestock grazing, dairy ranching, hay or similar forage crop.

Comment: Tables C-LU-3 in the Land Use element were updated to reflect technical corrections approved by the Board at the April 4th public hearing. These technical corrections included removing “mules” from the LCP and revisions to language to be consistent with agricultural operations on agricultural and resource related parcels. These revisions include removing the limitation of four dwelling units per parcel.

Staff Recommendation: Land Use Tables

Policy Option B. Revisions to Land Use Element, Table C-LU-3 Land Use and Zoning Tables to reflect technical corrections approved by the Board of Supervisors on April 4th, 2023; remove horses, donkeys, mules, from Table C-LU-3; and remove the four-units per parcel density limitation.

Policy Options: Principally Permitted Uses

A. No change from the Planning Commission recommendation.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update Agricultural Uses July 17, 2023

- B. Revise Section 2.3 Resources of the Land Use element to include land management activities and limited related residential development as a principally permitted use.

Policy Option A. Planning Commission Recommendation

Principally Permitted Use	Resource conservation. (CCC REVISED)
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Policy Option B. Revisions to Section 2.3 Resource tables

Principally Permitted Use	Resource conservation and associated including land management activities and limited related residential development. (CCC REVISED, 2023 -POLICY OPTION)
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Comment: Grazing land makes up nearly half of the land area of the coastal zone, and most agricultural operations in the coastal zone are involved in raising sheep, goats, cattle, or dairy cows. Tables in the Section 2.3 Resources of the Land Use element were updated to include land management activities and related residential development reflective of agricultural uses on resource designated parcels in the coastal zones.

Staff Recommendation: Principally Permitted Uses

Policy Option B. Revise Section 2.3 Resources of the Land Use element to include land management activities and limited related residential development as a principally permitted use.

Policy Options: Policy OSRC-1d

- A. No change from the Planning Commission recommendation.
- B. Policy C-OSRC-1d as presented before the Board on the April 4th Policy Option Papers.
- C. Replace Policy C-OSRC-1d with Policy C-OSRC-1d (Alt 1). Revisions include replacing “agricultural enterprise” with “agricultural operations” and revise policy language to allow for replacement and installation of fencing for existing and proposed agricultural operations.

Policy Option A. Planning Commission Recommendation:

Policy C-OSRC-1d: Development (including buildings, structures, fences, paved areas, signs, and landscaping) shall be prohibited from obstructing views of the coastline from coastal roads, bikeways, Vista Points, recreation areas, and beaches. Allow an exception for transportation or public safety facilities where no feasible alternatives to the project can be identified, project impact is reduced to the maximum extent feasible, and an opportunity is identified to restore or improve an existing view that will fully mitigate the project impact. (EXISTING LCP REVISED)

Policy Option B. April 4, 2023, Policy Option Papers Recommendation

Policy C-OSRC-1d: Development (including buildings, structures, fences, paved areas, signs, and landscaping) shall be prohibited from obstructing views of the coastline from coastal roads, bikeways, Vista Points, recreation areas, and beaches. Allow an exception for:

1. **Replacement in kind of the same type, material, scope/intensity/size, and location as the existing fence necessary to support an existing agricultural enterprise.**



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

2. **Installation of new fencing necessary to support an existing agricultural enterprise. New fencing must minimize visual impacts to the maximum extent possible, consistent with providing effective containment of livestock and/or protection from predators.**
3. Transportation or public safety facilities where no feasible alternatives to the project can be identified, and visual impacts are reduced to the maximum extent feasible, and visual impacts that cannot be reduced are fully mitigated.

Policy Option C. Replace Policy C-OSRC-1c with revised Policy C-OSRC-1c (Alt 1)

Policy C-OSRC- 1d (Alt 1): Development (including buildings, structures, fences, paved areas, signs, and landscaping) shall be prohibited from obstructing views of the coastline from coastal roads, bikeways, Vista Points, recreation areas, and beaches. Allow an exception for:

1. Replacement in kind of the same type, material, scope/intensity/size, and location as necessary to support an existing **and proposed agricultural operation**.
2. Installation of new fencing necessary to support an existing **and proposed agricultural operation**. Fencing must minimize visual impacts to the maximum extent possible, consistent with providing effective containment of livestock and/or protection from predators.
3. Transportation or public safety facilities where no feasible alternatives to the project can be identified, and visual impacts are reduced to the maximum extent feasible, and visual impacts that cannot be reduced are fully mitigated. (2023 POLICY OPTION)

Comment: Adding an exclusion for livestock fencing necessary for an existing and proposed agricultural operation will clarify the distinction between fencing necessary for agriculture and fencing for residential and commercial uses. Revisions to the policy option presented before the Board of Supervisors on April 4th include replacing "agricultural enterprise" with "agricultural operations" and revising the language to allow for installation and repair and maintenance for fencing support existing and proposed agricultural operations.

Staff Recommendation: Policy C-OSRC-1d

Policy Option C. Replace Policy C-OSRC-1d with Policy C-OSRC-1d (Alt 1). Revisions include replacing "agricultural enterprise" with "agricultural operations" and revising policy language to allow for replacement and installation of fencing for existing and proposed agricultural operations.

Policy Options: Policy C-OSRC-4d

- A. No change from Planning Commission recommendation
- B. Policy-C-OSRC-4d as presented before the Board on the April 4th Policy Option Papers.
- C. Replace Policy C-OSRC-4d, as drafted on the April 4th Policy Option Papers, with revised Policy C-SRC-4d (Alt 1).



Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

Policy Option A. Planning Commission Recommendation:

Policy C-OSRC-4d: Fencing or walls shall be prohibited within riparian habitat and on bluffs, except where necessary for public safety, wildfire risk abatement, habitat protection, or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited. Wildlife-passable fencing should generally be no more than 40 inches tall (up to 6 feet to contain horses) and no lower than 16 inches from the ground (as low as 10 inches where sheep, goats, or predation is a concern). Wooden rail, mesh, or chain link is preferred over wire fence tops, which are less visible to and more likely to result in wildlife collisions and entanglements. Where wire cannot be avoided, the top two wires should be at least 12 inches apart, and the top and bottom wires should not be barbed.

Policy Option B. April 4, 2023, Policy Option Papers Recommendation

Policy C-OSRC-4d: Fencing or walls shall be prohibited within riparian habitat and on Page 3 bluffs, except where necessary for public safety, wildfire risk abatement, habitat protection or restoration, **or when necessary to support an existing agricultural enterprise, subject to a coastal development permit.** Fencing or walls that do not permit the free passage of wildlife shall be prohibited. Wildlife-passable fencing should generally be no more than 40 inches tall (~~up to 6 feet to contain horses~~) and no lower than 16 inches from the ground (~~as low as 10 inches where sheep, goats, or predation is a concern~~). Wooden rail, mesh, or chain link is preferred over wire fence tops, which are less visible to and more likely to result in wildlife collisions and entanglements. Where wire cannot be avoided, the top two wires should **shall** be at least 12 inches apart, and the top and bottom wires ~~should~~ **shall** not be barbed. **An existing agricultural enterprise may be granted an exception to fence height and design standards within riparian habitat or on bluffs subject to coastal development permit supported by findings that construction of a fence within these areas will not interfere with existing public access and use of public trust lands, and/or not result in an adverse effect to coastal natural and/or visual resources.**

Policy Option C. Replace Policy C-OSRC-4d with revised Policy C-OSRC-4d (Alt 1)

Policy C-OSRC-4d (Alt 1): Where not excluded, fencing or walls shall be prohibited within riparian habitat and on bluffs, except where necessary for public safety, wildfire risk abatement, habitat protection or restoration, or when necessary to support an existing agricultural operation. Replacement and repair of existing fencing which does not result in an addition to, or enlargement or expansion of the fence may be excluded. (2023 POLICY OPTION)

Comment: Policy C-OSRC-4d addresses fencing within streamside conservation areas and bluffs. Policy C-OSRC-4d as recommended restricts the design of the allowable fencing which may not accommodate all types of agricultural uses.

Staff Recommendation: Policy C-OSRC-4d

Policy Option C. Replace Policy C-OSRC-4d with Policy C-OSRC-4d (Alt 1) to allow for new and repair and replacement of fencing within riparian habitat and on bluffs to support existing agricultural operations.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Agricultural Uses

July 17, 2023

Policy Option: Policy OSRC-4I

- A. No change from Planning Commission recommendation.
- B. Add new policy C-OSRC-4I to allow for excludable activities within mapped sanctuary preservation areas and conservation areas provided that the project area does not meet criteria for environmentally sensitive habitat areas.

Policy Option B. New Policy OSRC-4I:

Policy C-OSRC-4I: Excludable activities may be allowed in areas mapped as sanctuary preservation areas and conservation areas in Figures C-OSRC-2a through C-OSRC-2k if site specific analysis confirms that the project area does not meet criteria for environmentally sensitive habitat areas. (2023 POLICY OPTION)

Comment: This new policy would allow for limited activities in areas within mapped sanctuary preservation areas and conservations, as shown in Figures C-OSRC-2a through C-OSRC-2k. These activities may be allowed if the mapped area with the activity is proposed does not meet criteria for environmentally sensitive habitat areas.

Staff Recommendation: Policy OSRC-4I

Policy Option B. Add new policy C-OSRC-4I to allow for excludable activities within mapped sanctuary preservation areas and conservation areas provided that the project area does not meet criteria for environmentally sensitive habitat areas.



Sonoma County Local Coastal Plan Update

Public Access

July 17, 2023

Public Access: Policy Summary

The Local Coastal Plan protects and defends rights of access to and along the Sonoma Coast as well as upholds 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. The Public Access Element, Appendix B: Public Access Plan, and Public Access Maps Figures C-PA-1a through -1k are used to achieve these goals. The Public Access Element also identifies priority and acquisition strategies for proposed public access points.

Mapping of public access has been a continued topic of public comment throughout the Local Coastal Plan Update process, particularly as it relates to the Estero Americano, but also for proposed public access points on private property throughout the Coastal Zone. Currently, public access to the Estero Americano is only available at the mouth of the Estero or via an informal accessway at Marsh Road in Marin County. The Marsh Road accessway is on land owned by Marin County, but not identified as an accessway by the Marin County Local Coastal Program. Marin County has requested that the informal accessway adjacent to the county line on Marsh Road not be referenced in the Sonoma County Local Coastal Plan. The mouth of the Estero and Estero Americano Water Trail can be accessed by walking along the shoreline from Shorttail Gulch Trail, use of this route is limited to low tide and the route would be challenging and hazardous in some conditions. The mouth of the Estero Americano could also be accessed by boat.

Board of Supervisors Review:

On April 4, 2023, the Board of Supervisors reviewed the Draft Local Coastal Plan and policy options related to Public Access along the Estero Americano. The Board provided staff direction to conduct additional targeted outreach and to return with additional options for Public Access including but not limited to access to the Estero Americano and alternative Public Access Maps.

Planning Commission Action:

The Planning Commission recommended adding an alternative alignment of the California Coastal Trail along Highway 1, and a water trail for canoes, kayaks, and similar watercraft, accessed from public trust lands at the mouth of the Estero Americano.

The Planning Commission also recommended changes to access point labeling on Figure C-PA-1k to clarify that the California Coastal Trail and Estero water trail are general alignments that are not associated with a specific parcel or property owner.

Discussion

The Estero Americano is located within the Valley Ford Subarea on Figure C-PA-1k, with 3 proposed public access ways. One of the three accessways (J-2) is owned by the Sonoma County Land Trust, which supports limited supervised public access to their property. Proposed accessway J-4 is associated with an easement purchased by the Sonoma County Ag + Open Space District. The final accessway is a water trail associated with canoeing and kayaking in the Estero Americano and adjoining public trust lands.



Sonoma County Local Coastal Plan Update

Public Access

July 17, 2023

In response to Board direction for development of an alternative maps to the Planning Commission Recommended Draft of the Public Access Figures C-PA-1a through -1k staff made the following changes:

SubArea 1

Access Points/Trailheads

- A-1: Gualala River North Shore Access dot removed. Access located in Mendocino County.
- A-2: Gualala Point Regional Park dot relocated to Highway 1.
- A-3: Gualala Point Park Expansion dot relocated to edge of Gualala Point Regional Park.
- A-4: Gualala River Water Trail dot updated to "existing" to reflect current trail status.
- A-6: Coastal Ridge Trail dot relocated to edge of Gualala Point Regional Park.
- A-8: The Sea Ranch Recreation Facilities dot relocated to Highway 1.

SubArea 2

Access Points/Trailheads

- B-1: CCT The Sea Ranch South dot relocated to SubArea 1 and SubArea 2 border.
- B-2: Sea Ranch Bikeway dot relocated to Highway 1.
- B-3: Coastal Ridge Trail dot relocated to Highway 1.
- B-9: Black Point Loop Trail dot relocated to Highway 1.

SubArea 3

Access Points/Trailheads

- C-2: Coastal Ridge Trail dot relocated to Highway 1.

SubArea 5

Access Points/Trailheads

- E-3: Ocean Cove to Still Water Cove Trail relocated to Highway 1.
- E-7: Pocket Cove dot relocated to Highway 1.
- E-8: Timber Cove Connection rail relocated to Highway 1.

SubArea 6

Access Points/Trailheads

- F-7: Jenner Headlands Preserve dot relocated to Highway 1.
- F-9: Russian River Water Trail I updated to "existing" to reflect current trail status.

SubArea 7

Access Points/Trailheads

- G-1: Russian River Water Trail II updated to "existing" to reflect current trail status.
- G-2: Lower Russian River Beach Access dot relocated to Highway 116.
- G-3: Duncans Mills Campground dot relocated to Highway 116; updated to "existing" to reflect current trail status.

SubArea 8

Access Points/Trailheads

- H-1: Russian River Water Trail III updated to "existing" to reflect current trail status.
- H-8: Bridgehaven Boat Launch dot relocated to Highway 1; updated to "existing" to reflect current trail status.
- H-14: Wright Hill Regional Park and Open Space Preserve updated to "existing" to reflect current



Sonoma County Local Coastal Plan Update

Public Access

July 17, 2023

trail status.

SubArea 9

Access Points/Trailheads

I-6: Carrington Ranch and Preserve dot updated to "existing" to reflect current trail status.

I-35: Estero Ranch Preserve dot updated to "existing" to reflect current trail status.

Subarea 10

Access Points/Trailheads

J-2: Estero Americano Preserved dot relocated to the Estero Americano.

J-3: Estero Americano Water Trail dot relocated to the Estero Americano; updated to "existing" to reflect current trail status.

The Public Access Map series, Figures C-PA-1a through -1k, revised the Access Point/Trailhead table to remove the "Ownership" column, which is already described in the Appendix B: Public Access Plan. The table was updated to remove "status" and replace with "notes" to better describe current status and which access points/trailheads may require special arrangements. This table was also updated to reflect any changes in the current status of the access point/trailhead.

Updates to the map series include revisions to the legend, specifically to the California Coastal Trail (CCT). These updates include revising "Future" to "Undetermined Location" and "Proposed" to "Planned" to provide clarity. The disclaimer, "Undeveloped (Proposed) access points are not available for public use until developed. Do not use Proposed access points without permission of the landowner" as shown on Figures C-PA-1a through -1k was changed to a red font color for better visibility.

Technical corrections to these maps include updating ownership with correct base map layers and updating trail names for accuracy.

The Estero Americano, as shown on Figure C-PA-1k for Subarea 10, shows the Estero Americano hatched. Because Estero Americano is a navigable waterway the areas below mean high tide are legally available to the public. There is no developed access facility, and currently there is no identified agency that manages public access at the Estero Americano.

Additionally, staff was directed to continue to examine public access issues and priorities of public access acquisition. General practice is to work with willing sellers on public access acquisitions and to consider Conditions of Approval related to achieving proposed access acquisitions only where appropriate, and provided that there is a nexus and proportionality for the exaction. Policy revisions are proposed to reflect current practice and to clarify required findings for such conditions.

Policy Options Public Access:

- A. Adopt associated maps recommended by the Planning Commission with language and symbols clarifying that no access exists at this time, and use of the accessway require landowner permission. Add a new symbol and language clarifying that: "The Estero Americano Water Trail (J-3) refers to the Estero and public trust lands within the intertidal zone and that access at the Valley Ford Estero Americano Road Bridge on the Sonoma



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Public Access

July 17, 2023

County side is privately owned and will require acquiring an easement to allow use of this location to launch canoes and kayaks.”

- B. Remove points on Sub Area 10 Estero Americano of the Public Access Figures.

Comment: Staff has met with Coastal Commission staff regarding removing proposed public accessways associated with the Estero Americano. Commission staff noted that while public access is encouraged removal of specific proposed accessways could be found consistent with the Coastal Act, as long as all existing public access was maintained.

- C. Adopt the revised 2023 Public Access Maps, Figures C-PA-1a through-1k.

- D. Add the following policies in support of Public Access to the Public Access Element:

Policy C-PA-1i: 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)

- E. Revise the following language in the Public Access Element:

Add the following statement to the Public Access Element, **“Wherever possible the County will achieve acquisition and pursue public access goals through working with willing sellers.”**.

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** Require 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 needed, or 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.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Public Access

July 17, 2023

(3) Acquisition Priority III: **Consider requiring** Require 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 needed, or 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.

Staff Recommendation

Policy Options C, D, and E



Sonoma County Local Coastal Plan Update

Fire Fuel Management

July 17, 2023

Fire Fuel Management Policy Summary:

Climate change and a long-term policy of fire suppression in forested lands has led to an accumulation of fuel loads. These high fuel loads, coupled with extended drought, and the spread of invasive species has resulted in larger and more catastrophic wildfires that threaten Sonoma County's coastal resources and put coastal communities at high risk of being destroyed by wildfire. Program C-OSRC-11-P1 is intended to reduce these risks in commercial timberlands, but a significant risk to resources and existing development remains in non-commercial forests and communities within the Wildland Urban Interface. Adding a program to the Public Safety Element to develop a programmatic response to these risks will streamline the permitting process for fire fuel reduction and management of non-commercial forest lands.

Board of Supervisors Review:

On April 4, 2023, the Board of Supervisors considered a staff recommendation to remove Program C-OSRC-11-P1 and create a new program in Section 5 of the Public Safety Element. The Board directed staff to revisit the policies for vegetation management activities on the coast and work with subject matter experts to draft up clearer policy language.

Planning Commission Action:

The Planning Commission did not provide formal direction regarding the additional program for fire fuel management, and the program was not included in the Planning Commission Recommended Local Coastal Plan.

The Planning Commission recommended draft of the LCP currently includes Policy C-PS-5c which provides for major vegetation removal adjacent to existing development for fire safety purposes, including in areas where removal of or within environmentally sensitive habitat buffers.

Policy C-PS-5c: Removal of major vegetation adjacent to existing development for fire safety purposes shall be allowed upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of environmentally sensitive habitat, or removal of materials in an environmentally sensitive habitat areas buffer shall only be allowed for fire safety purposes and must demonstrate that:

- (1) Removal does not conflict with prior conditions of approval.
- (2) There are no other feasible alternatives for achieving compliance with required fire safety regulations.
- (3) Impacts are mitigated in a manner that leads to no net loss of ESHA resource value.

Discussion

Historic fire suppression trends have resulted in a departure from pre-European contact fire regimes in fire adapted landscapes across Western North America. This departure, coupled with



Sonoma County Local Coastal Plan Update

Fire Fuel Management

July 17, 2023

fragmented land use and ownership has resulted in an increase in flammable fuel in the forested landscape. This abundance of fuel coupled with changing climatic conditions has resulted in a landscape that is more likely to experience increased fire severity when fires occur. Altered fire regimes, a lesser prevalence of historic grazing, increased fuel loads, and a problematic fire deficit are driving larger and more catastrophic wildfires, which has in turn resulted in damaging changes to ecosystems and major risks to local communities. Sonoma County and the Sonoma Coast are typified by land ownership patterns reflecting smaller, privately owned parcels, and a population that continues to encroach and grow into the wildland-urban interface. This results in a mosaic of land management techniques and principles across a large area that is not conducive to landscape level management and challenging from a fire prevention perspective. Existing and historic coastal planning policies have not prioritized vegetation management for fire fuel reduction, while simultaneously allowing population growth and permitting development in the coastal zone subject to either local or state defensible space requirements. Expedited vegetation management in appropriate contexts is necessary to protect the environment, protect communities, adapt to a changing climate, and comply with the Coastal Act. It is the goal of these policies to allow for streamlined vegetation management that balances coastal resource protection with the need for expedited permitting where vegetation management is badly needed.

Public Safety Policy Options:

- A. No change from Planning Commission Recommendation.
- B. New **Policy C-PS-5j**: Exclude vegetation removal associated with defensible space activities consistent with state or local guidelines from the requirements of a Coastal Development Permit, when such activities are done in conjunction with an allowed or permitted use and will not result in type conversion of the existing vegetation community. (2023 Policy Option)
- C. New **Policy C-PS-5j (Alt 1)**: Allow vegetation removal associated with defensible space activities consistent with state or local guidelines, when such activities are done in conjunction with an allowed or permitted use and will not result in type conversion of the existing vegetation community. Vegetation removal limited to the above defensible space activities shall not be considered major vegetation removal for the consideration of Coastal Development Permit requirements. (2023 Policy Option)
- D. New **Policy C-PS-5k**: Where other streamlining options are not available consider joint or programmatic Coastal Development Permit opportunities or similar tools to minimize the burden on individual properties for activities intended to reduce risk to existing resources, structures, or uses. (2023 Policy Option)

Staff Recommendation:

Policy Option B and D.

Implementation Program Options:

- A. Retain existing Program C-OSRC-11-P1 and do not include new program C-PS-5-P1, consistent with the Planning Commission Recommended Local Coastal Plan.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Fire Fuel Management

July 17, 2023

- B. Revise text of existing Program C-OSRC-11-P1 to reference to exclusion orders.
- C. Revise text of Program C-OSRC-11-P1 to include the development of permit exclusions and streamlined processes.
- D. Replace text of Program C-OSRC-11-P1 in the Open Space and Resource Conservation element with text of new Program C-PS-5-P1. (April 4, 2023, Policy Option Papers)
- E. Remove Program C-OSRC-11-P1 from the Open Space and Resource Conservation element and create a new Program C-PS-5-P1 in Section 5 of the Public Safety Element. (April 4, 2023, Policy Option Papers)
- F. Remove text of Program C-OSRC-11-P1 in the Open Space and Resource Conservation element and create new Program C-PS-5-P1 (Alt 1) in Section 5 of the Public Safety Element.

Program Option A. Existing Implementation Program C-OSRC-11-P1

Program C-OSRC-11-P1: In cooperation with the Coastal Commission, State Parks, Sonoma County Regional Parks, and Cal Fire Board of Forestry, develop forestry guidelines including best practices to improve habitat health and reduce the risk of wildland fire without restricting public access to the coast. Establish a coastal permit exemption, other exemption process, or master plan for forestry maintenance activities consistent with such guidelines.

Program Option B. Revise Existing Program C-OSRC-11-P1

Program C-OSRC-11-P1: In cooperation with the Coastal Commission, State Parks, Sonoma County Regional Parks, and Cal Fire Board of Forestry, develop forestry guidelines including best practices to improve habitat health and reduce the risk of wildland fire without restricting public access to the coast. Establish a coastal permit exemption, **exclusion order**, other exemption process, or master plan for forestry maintenance activities consistent with such guideline. (2023 Policy Option)

Program Option C. Revise Existing Program C-OSRC-11-P1

Program C-OSRC-11-P1: In cooperation with **stakeholders and resource agencies**, develop vegetation management guidelines including best practices to improve habitat health and reduce the risk of wildland fire without restricting public access to the coast. Establish a coastal development permit **exclusion or other streamlined process for activities consistent with such guidelines**. (2023 Policy Option)

Program Option D and E. April 4, 2023, Policy Option Papers Recommendation

Program C-PS-5-P1: Develop Forest Health and Fire Resilience Public Works Plans for high fire risk areas in order to improve health of non-commercial forest lands, reduce wildfire hazards, and create vegetation management plans that will adapt to increased climate change-induced wildfire risk. Fire prevention projects in developed areas that cannot be designed to directly improve or restore ecosystems or ecosystem processes shall be limited to projects that are required to protect existing structures and/or infrastructure.

Projects approved under a Forest Health and Fire Resilience Public Works Plans shall be designed to:

1. Restore forest health, improve ecosystem resiliency, and conserve forests by restoring



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Fire Fuel Management

July 17, 2023

native vegetation types and improving habitat for rare, threatened, and endangered plant and animal species.

2. Protect water supply and quality with restoration projects across coastal watersheds.
3. Minimize the loss of forest-sequestered carbon from large, intense wildfires, through reduction of ladder fuels and brush in order to reduce fire severity.
4. Promote public safety, health, and welfare and protect public and private property through fuel reduction treatments and the creation of defensible space around structures in the wildland urban interface.

Where an immediate need is identified for fire fuel reduction in residentially developed areas prior to approval of the Forest Health and Fire Resilience Public Works Plan, develop an interim fuel reduction program for these areas. (2023 Policy Option)

Program Option F. Public Safety Element Implementation Program:

Program C-PS-5-P1 (Alt 1): Where necessary and where public funding is available, develop streamlined Forest Health and Fire Resilience Public Works Plans for high fire risk areas in order to reduce risk and improve the health of fire-adapted coastal lands. (2023 Policy Option)

Staff Recommendation: Public Safety Implementation Program

Policy Options C, and F



Sonoma County Local Coastal Plan Update

Forest and Woodlands

July 17, 2023

Forest Land: Policy Option Summary:

The Local Coastal Plan draft contains extensive references to both “forest” and “woodland,” but “forest” is not defined in the glossary. “Coastal woodland” is defined in the glossary, but this definition refers back to “forests,” which is undefined.

Board of Supervisors Review:

On April 4, 2023, the Board of Supervisors directed staff to revisit the definitions of “forest” and “woodland” and to review the policies with subject matter experts and to draft up clearer policy language.

Planning Commission Action:

The Planning Commission discussed the need to better define terms associated with protection and management of forest and woodland areas. The Planning Commission recommended draft includes policies that protect and define old growth forests and their associated habitat but did not provide definitions of “forest” and “woodland” or add forests to the list of ecosystems potentially protected as Environmentally Sensitive Habitat Areas.

The Planning Commission also discussed the need to identify non-commercial forest and woodlands for inclusion in policies intended to protect biotic resources but did not define the terms “forest”, “woodland” and “forest soils”.

The Planning Commission discussed clarification of “forest” and “woodland” and the need to identify non-commercial forest and woodlands for inclusion in policies intended to protect biotic resources.

Discussion

Existing forestry activities excluded from the definition of development in the Coastal Act are limited to Timber Harvesting Plans (THPs). THPs were one of the only types of timber harvesting permits administered by CALFIRE at the time of the enactment of the Coastal Act. THPs are financially burdensome to private landowners with small parcels. Since the enactment of the Coastal Act, CALFIRE has developed additional permits under the Forest Practice Rules and non-commercial programs to allow for non-commercial timber operations for small landowners.

The following policies will allow for private landowners to manage their forests in a way that balances coastal resource protection and fire risk reduction through environmental oversight from a Registered Professional Forester and CALFIRE.

Policy Options: Forest and Woodlands

- A. No Change from Planning Commission Recommendation.
- B. Revise text in Policy C-OSRC-7o to include “forests”.

Policy C-OSRC-7o: The identification through site assessment, preservation, and protection of native trees and woodlands shall be required. To the maximum extent practicable, the removal of native trees and fragmentation of woodlands **and forests** shall be minimized;



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update Forest and Woodlands July 17, 2023

any trees removed shall be replaced, preferably on the site at a greater than 1:1 ratio (and at a greater than 3:1 ratio for riparian trees); and permanent protection of other existing woodlands and forests shall be provided where replacement planting does not provide adequate mitigation. **This policy shall not apply to fire risk reduction projects, restoration projects, or forestry projects overseen by a Registered Professional Forester.** (2023 Policy Option)

Staff Recommendation

Policy Option B

Policy Option: Forestry Activities

- A. No Change from Planning Commission Recommendation.
- B. New **Policy C-OSRC-11g**: Consistent with Public Resources Code section 30106, no coastal development permit shall be required for (1) any timber harvesting permit approved by CALFIRE through the Forest Practice Rules, or (2) vegetation management that does not amount to the removal or harvesting of major vegetation. This includes projects for the treatment of forest cover or vegetation on forested landscapes, together with all the incidental work including, but not limited to, fire hazard abatement and site preparation, as well as removal of vegetation not resulting in type conversion of existing vegetation community. (2023 Policy Option)
- C. New **Policy C-OSRC-11h**: Exclude projects undertaken by a Registered Professional Forester that treat the forested cover or vegetation on forested landscapes, together with all incidental work including, but not limited to, timber operations, fire hazard abatement, site preparation, and the removal of vegetation, from the requirements of a Coastal Development Permit. (2023 Policy Option)

Staff Recommendation

Policy Options B and C



Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Site Specific Policies: Policy Option Summary

The Draft Local Coastal Plan contains a series of policies carried over from the current 2001 Local Coastal Plan that were intended to identify and memorialize specific uses or restrictions on parcels in addition to what is allowed by the base district.

Board of Supervisors Review:

On April 4, 2023 the Board of Supervisory considered a Staff Recommendation to remove site specific policies from the Land Use Element.

Planning Commission Action:

In 2021 and 2022 staff recommended the Planning Commission remove parcel specific policies. The Planning Commission discussed the issue and did not recommend removing site specific policies in the Planning Commission Recommended Local Coastal Plan.

Discussion:

During the April 4, 2023 public hearing the Board considered the Staff Recommendation for removal of the site specific policies from the Land Use Element. Tentative direction provided at the April 4, 2023 hearing was in support of the Staff Recommendation. Since the April 4, 2023 public hearing additional policy options were developed related to the treatment of site specific policies within the Land Use Element.

Some discussion on individual site-specific policies and additional options are below. Site specific use policies are used to either allow existing uses or limit future expansions based on environmental constraints. The existing uses are generally consistent with the underlying land use or allowed to continue withing the non-conforming provisions in County code, regardless of specific policy. Those policies limiting expansion of specific uses identify site constraints, which exist and limit development regardless of the specific policy restriction.

Policy Alternatives with Discussion:

Policy C-LU-5g

Policy C-LU-5g: Allow expansion of overnight accommodations and other visitor-serving commercial uses; and local-serving commercial uses on Annapolis Road.

Policy C-LU-5g (Alt 1): Remove.

Policy C-LU-5g (Alt 2): Ensure that expansion of overnight accommodations, visitor-serving commercial uses, and local-serving commercial uses on Annapolis Road are consistent with the historic nature and character of this rural, agricultural, and forest community. (Move to Policy C-LU-6p) (2023 POLICY OPTION)

Comment: Policy C-LU-5g applies to a small commercial area located at the southern end of The Sea Ranch airstrip. This area is served by Verdant View, which is a road extending south off Annapolis Road. Only parcels on the west side of Verdant View are within the



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Coastal Zone. The land use is Commercial Services which allows for commercial uses consistent with Policy C-LU-5g. All existing uses of these sites within the Coastal Zone are consistent with current Local Coastal Plan policies and Coastal Zoning Ordinance. No permit records can be found that provide an example of the provisions of Policy C-LU-5g being cited as a reason to approve or deny coastal development permits associated with new or expanded development in this area.

Policy C-LU-5h

Policy C-LU-5h: Allow development of limited visitor- and local-serving commercial uses at Stewarts Point designed to complement the historic character of the community.

Policy C-LU-5h (Alt 1): Remove.

Policy C-LU 5h (Alt 2): Ensure any development of limited visitor- and local-serving commercial uses at Stewarts Point complements the historic character of the community. (Move to Policy C-LU-6q) (2023 Policy Option)

Comment: No permit records can be found that provide an example of the provisions of Policy C-LU-5h being cited as a reason to approve or deny coastal development permits associated with new or expanded development in this area. The policy description of the area affected by this policy is unclear, as the community of Stewarts Point boundary is not described or mapped.

Policy C-LU-5i to Policy C-LU-5k (Ocean Cove Resort Policies)

Policy C-LU-5i: Allow limited expansion of existing commercial uses east of State Highway 1 associated with the Ocean Cove Store including overnight accommodations and a public horse stable.

Policy C-LU-5i (ALT 1): Remove.

Policy C-LU-5i (Alt 2): The visitor-serving area of Ocean Cove Resort and Ocean Cove Store is challenged by the combination of high-speed vehicular traffic and need for pedestrian visitors to cross State Highway 1. Any development proposals should include provisions for pedestrian safety on State Highway 1 as well as erosion control measures and restoration of the degraded bluffs at the cove, taking into account projected sea level rise. If needed to improve coastal access, additional parking may be provided. Development west of State Highway 1 at the Ocean Cove resort is limited to a day use area, campground, and adaptive reuse of the historic barn with the intention of concentrating visitor services and activities on the same side of the highway. Limited expansion of existing commercial uses east of State Highway 1 could include overnight accommodations and equestrian facilities. (2023 POLICY OPTION)

Policy C-LU-5j: Limit development west of State Highway 1 at the Ocean Cove Resort to a day use area and campground. Any development proposals should include provisions for pedestrian safety on State Highway 1 as well as erosion control measures and restoration of the degraded bluffs at the cove that take into account projected sea level rise. If needed to improve coastal access, additional parking may be provided parking consistent with Policy LU-5h.

Policy C-LU-5j (Alt 1): Remove.



Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Policy C-LU-5j (Alt 2): Remove and combine per Policy C-LU-5i (Alt 2).

Policy C-LU-5k: Encourage adaptive reuse of the historic barn west of State Highway 1 at the Ocean Cove Resort.

Policy C-LU-5k (Alt 1): Remove.

Policy C-LU-5k (Alt 2): Remove and combine with Policy C-LU-5i (Alt 2).

Comment: **Policies C-LU-5i to C-LU-5k** have been consolidated above in **Policy C-LU-5i (ALT 2)**. No permit records can be found that provide an example of the provisions of such policies being cited as a reason to approve or deny coastal development permits associated with new or expanded development in this area. This area is within the Limited Commercial land use and Commercial Tourist zoning district. Both the overnight accommodations and ancillary equestrian facility are allowed uses in this zoning district. The term "limited expansion" is unclear and difficult to implement in consideration of project proposals. Standards for safety, parking, and sea level rise resiliency apply to any new development regardless of Policy.

Policy C-LU-5l

Policy C-LU-5l: Allow limited expansion of existing inn facilities and development of a public horse stable at the Stillwater Cove Ranch.

Policy C-LU-5l (Alt 1): Remove.

Comment: Stillwater Cove Ranch is permanently closed and is now a private family compound. Any new use would be subject to policies for RRD, which allow guest ranches and country inns not exceeding 30 units, as well as establishment of commercial stables, riding academies, and equestrian riding clubs. The term "limited expansion" is unclear and difficult to implement in consideration of project proposals.

Policy C-LU-5m

Policy C-LU-5m: Limit expansion at the Timber Cove Inn to improved parking and public access facilities.

Policy C-LU-5m (Alt 1): Remove.

Comment: Because of its location west of Highway 1, any coastal development permit issued for expansion would be appealable to the Coastal Commission. Existing site constraints in this project area and potential limitations on development at this site and throughout the coastal zone would be adequately addressed through existing and proposed policies. Additionally, application of a site specific policy referencing a specific business rather than any geographic boundary is unclear and requires additional interpretation.



Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Policy C-LU-5n

Policy C-LU-5n: Encourage provision of screening and other design improvements at the Timber Cove Boat Landing.

Policy C-LU-5n (Alt 1): Remove.

Comment: There are no unique visual issues associated with this site that would not be addressed by visual resource policies.

Policy C-LU-5o

Policy C-LU-5o: Allow limited new or expansion of existing visitor- and local-serving commercial uses, in the vicinity of the Fort Ross Store, subject to design controls review to preserve the area's scenic character.

Policy C-LU-5o (Alt 1): Remove.

Policy C-LU-5o (Alt 2): Limited new or expansion of existing visitor-and local-serving commercial uses in the vicinity of the Fort Ross Store shall preserve the area's scenic character. (2023 POLICY OPTION)

Comment: The site is zoned Commercial Tourist which allows for the related uses listed in Policy C-LU-5o. There are no unique visual issues associated with this site that would not be addressed by visual resource policies that apply to all development in the Coastal Zone. Policy C-LU-5o does not provide guidance regarding design controls, and there are no unique circumstances at this location requiring an additional standard of review.

Policy C-LU-5p

Policy C-LU-5p: Allow a modest infill of visitor- and local-serving commercial development in Jenner if water supply and wastewater treatment and disposal requirements can be met.

Policy C-LU-5p (Alt 1): Remove.

Policy C-LU-5p (Alt 2): Modest infill of visitor-and local-serving commercial development in Jenner may only be permitted if water supply and wastewater treatment and disposal requirements can be met. (Move to Policy C-LU-6r) (2023 POLICY OPTION)

Comment: Demonstrating that adequate services can be provided for new development are standard requirements for any permit. There are no unique circumstances at this location requiring a standard of review beyond those provided by existing and proposed Local Coastal Plan policies. If retained or modified, as shown in Policy C-LU-5p (Alt 2), the policy would be more appropriate in Section 6, Communities.

Policy C-LU-5q

Policy C-LU-5q: Allow provision of overnight accommodations of modest scale and cost and expansion of other visitor- and local-serving commercial services uses at Duncans Mills if water supply and wastewater treatment and disposal requirements can be met.

Policy C-LU-5q (Alt 1): Remove.



Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Policy C-LU-5q (Alt 2): In recognition of the potential of sea level rise to eliminate existing campground space over time, provisions of overnight accommodations of the modest scale and cost and expansion of other visitor- and local-serving commercial services uses at Duncans Mills is encouraged if water supply and wastewater treatment and disposal requirements can be met. Development must be consistent with the historic nature of the community. No exemption from state policies governing shoreline armoring in response to sea level rise or other natural forces is granted at this location. (MOVE TO POLICY C-LU-6S) (2023 POLICY OPTION)

Comment: Demonstrating that adequate services can be provided for new development are standard requirements for any permit. Zoning for the commercial area of Duncans Mills is Commercial Tourist, which allows restaurants, retail shops, lodging, and bars. There are no unique circumstances at this location requiring a standard of review beyond that provided by existing and Planning Commission Recommended Local Coastal Plan policies. If retained as modified in Policy C-LU-5q (Alt 2) the policy would be more appropriate in Section 6, Communities.

Policy C-LU-5r

Policy C-LU-5r: Allow expansion of public access to the Bridgehaven Resort by adding boat rentals and launching and day use facilities subject to design review. Require public access as a condition of for approval of any Coastal Development Permit for expansion of uses at the resort.

Policy C-LU-5r (Alt 1): Remove.

Policy C-LU-5r (Alt 2): Expansion of public access to the Bridgehaven Resort, including adding boat rentals and launching and day use facilities, would be subject to design review and require public access as a condition of approval. No exemption from formal state policies governing shoreline armoring in response to sea level rise or other natural forces is granted at this location. (2023 POLICY OPTION)

Comment: Policy C-LU-5r is redundant with existing standards. Bridgehaven Resort is within a scenic corridor, which requires design review for any activity that requires a Coastal Development Permit. Additionally, compelling a private landowner to provide a new accessway because they decline to continue a commercial enterprise that provides access could be a taking, absent facts that there were prescriptive rights.

Policy C-LU-5s

Policy C-LU-5s: Allow for new and for the expansion of existing commercial uses in Bodega Bay.

Policy C-LU-5s (Alt 1): Remove.

Policy C-LU-5s (Alt 2): Expansion of existing commercial uses and new commercial development in Bodega Bay must be consistent with the community's historic character. As the commercial hub for the southern Sonoma Coast with a history of commercial fishing and processing, fishing related facilities should be prioritized. (Move to C-LU-6t) (2023 POLICY OPTION)

Comment: The parameters of Policy C-LU-5s are unclear. Existing land uses already allow and encourage commercial uses on many properties in Bodega Bay. If retained as



Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

modified in Policy C-LU-5s (Alt 2) the policy would be more appropriate in Section 6, Communities.

Policy C-LU-5t

Policy C-LU-5t: Allow for new and for the expansion of existing visitor-serving uses at Chanslor Ranch consistent with continued agricultural use if water supply and wastewater treatment and disposal requirements can be met.

Policy C-LU-5t (Alt 1): Remove.

Comment: Demonstrating that adequate services can be provided for new development are standard requirements for any permit, even outside do the Coastal Zone. The land use designation and existing zoning for Chanslor Ranch is Land Extensive Agriculture, which allows campgrounds, guest ranches, and country inns, provided the uses meet a local need and do not interfere with the principally permitted use of agriculture. Additionally, proposed policies further support campgrounds as a potential use where the uses do not interfere with agricultural operations.

Policy C-LU-5u

Policy C-LU-5u: Allow modest expansion of commercial uses in Valley Ford if water supply and wastewater treatment and disposal requirements can be met.

Policy C-LU-5u (Alt 1): Remove.

Policy C-LU-5u (Alt 2): Expansion of commercial uses in Valley Ford is contingent on the availability of adequate water supply and wastewater treatment. Any commercial expansion must be consistent with the community's historic character and scale. (Move to C-LU-6u) (2023 POLICY OPTION)

Comment: "Modest expansion" is a vague term that is likely to have inconsistent application due to variation in interpretations. Demonstrating that adequate services can be provided for new development are standard requirements for any permit, even outside of the Coastal Zone.

Policy Options:

- A. Remove Site Specific Policies. This option is indicated as (Alt 1) following each policy. This option would delete the Site Specific Policies and (Alt 2) options listed above from the Board adopted updated Local Coastal Plan.
- B. Retain Site Specific Policies. This would leave site specific uses as shown with (Alt 1) and (Alt 2) options deleted for each policy. This option would retain the Site Specific Policies listed above and delete (Alt 1) options from the Board adopted updated Local Coastal Plan.
- C. Select some Site Specific Policies for removal, with the remainder to be retained or revised as shown as (Alt 2) above for each policy considered for revision under this option. Many Site Specific Policies are also proposed for relocation to Section 6 of the Land Use Element, Communities, as indicated in the provided alternative. Selected Site Specific Policies or alternatives would be retained and alternatives would be deleted from the Board adopted updated Local Coastal Plan.



Local Coastal Program
Permit Sonoma

Sonoma County Local Coastal Plan Update

Site-Specific Uses

July 17, 2023

Staff Recommendation

Staff recommends Policy Option A, (ALT 1) as shown above for each policy removing all parcel and site specific policies related to visitor serving uses.



Sonoma County Local Coastal Plan Update

Pesticide Regulation

July 17, 2023

Pesticide Regulation Policy Recommendation:

The introduction of pesticides to the coastal environment has potential short-term as well as cumulative impacts to environmentally sensitive wildlife species, Environmentally Sensitive Habitat Areas, and water quality. Bobcats, mountain lions, coyotes, and other carnivore species are susceptible to death through coagulopathy, or internal bleeding caused by consuming anticoagulant rodenticides directly or indirectly by consuming prey that has been poisoned by anticoagulant rodenticides. Many herbicides and fungicides are water soluble and will pollute creeks, streams, and inshore tidelands as well as percolate into groundwater and contaminate drinking water. Pesticides also have potential to alter sensitive plant communities and eliminate plants and insects that provide food for birds. A final concern is that pesticides runoff into tidelands bioaccumulates in bay mud, permanently damaging eelgrass meadows and estuarine ecosystems along the Sonoma Coast.

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 explicitly limit the authority of state agencies or departments. In the opinion of the Coastal Commission, the Commission itself is authorized to regulate pesticides in order to carry out the Coastal Act, at least so long as such regulation does not conflict with other statewide pesticide laws. When reviewing the Malibu pesticide prohibition, Coastal Commission staff noted that LCP policies regulating pesticide use are only protected from preemption if the policies are necessary or proper in carrying out the Coastal Act, such as by regulating the use of pesticides that qualify as, or are associated with, proposed development. Coastal Commission staff emphasized that LCP policies the regulate pesticide use more broadly are likely to be preempted by the Food and Agriculture Code

Planning Commission Action:

The Planning Commission discussed a pesticide policy on March 3, 2022 and supported staff's recommendation to include Policy C-OSRC-7c, Policy C-OSRC-7d, and Policy C-OSRC-7e.

Policy C-OSRC-7c: Except as permitted pursuant to this provision or Policy C-OSRC-7e, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade



Sonoma County Local Coastal Plan Update

Pesticide Regulation

July 17, 2023

Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time. When permitted, application of such herbicides shall not take place during the winter season, when rain is predicted within a week of application, or when wind is predicted above 5 mph. The County will identify non-toxic and earth-friendly management techniques for controlling pests and will conduct public outreach to promote the use of such techniques on property with the County.

Policy C-OSRC-7d: The use of insecticides, herbicides, or other toxic substances by County employees and contractors in construction and maintenance of County facilities, including public roads, shall be minimized.

Policy C-OSRC-7e: Mosquito abatement within or adjacent to ESHA shall be limited to the implementation of the minimum measures necessary to protect human health and shall minimize adverse impacts to Environmentally Sensitive Habitat Areas.

Discussion:

The Agricultural Commissioner's office reviewed the Policy C-OSRC-7c and requested revisions to the policy as recommended by the Planning Commission. Revisions to this policy include replacing "pesticides" with "herbicides" since the term "pesticides" as defined in both state and federal regulations, include insecticides, herbicides, and rodenticides, among other types.

The revisions to Policy C-OSRC-7c includes reducing the application period prior to a precipitation event to 48 hours.

Policy Options: Policy C-OSRC-7c

- A. No change to Policy C-OSRC-7c from the Planning Commission Recommendation.
- B. Revise text in Policy C-OSRC-7c to remove "herbicides" and replace with "pesticides".

Policy Option B. Remove "Herbicides" and replace with "Pesticides"

Policy C-OSRC-7c (Alt 1): Except as permitted pursuant to this provision or Policy C-OSRC-7e, development that involves the use of pesticides, ~~including insecticides, herbicides, rodenticides~~ or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. **Pesticides** may be used for the eradication of invasive **state or federal quarantined pest** species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. **Pesticides** shall be restricted to the least toxic product and method, **and to the maximum extent feasible**, shall be biodegradable, derived from natural sources, and used for a limited time. When permitted and to



Sonoma County Local Coastal Plan Update **Pesticide Regulation** **July 17, 2023**

the extent feasible, application of such **pesticides** shall not take place during the winter season, when rain is predicted within **48 hours** of application, or when wind is predicted above 5 mph. The County will identify non-toxic and earth-friendly management techniques for controlling pests and will conduct public outreach to promote the use of such techniques on property with the County. (2023 Policy Option)

Staff Recommendations:

Policy Option B