

From: [Lake Perry](#)
To: [Claudette Diaz](#)
Subject: "Site-specific policies for visitor services"
Date: Wednesday, July 05, 2023 12:28:12 PM



We live nearby the Timber Cove Resort and the other businesses along that stretch of the coast highway. I worked for the Conservancy at the visitor center at Fort Ross State Historic Park for 31 years, so I am familiar with the seasonal ebbs and flows of public traffic. I grew up in southern California, and specifically want to mention the coastal areas there, in terms of the damaging impacts on the environment. We should not invite that to happen here.

There should not be allowed further development on the ocean terrace along the northwest Sonoma Coast, for several reasons.

The most important is the imperative to preserve the open natural life of the area rather than impinging on it with buildings, cars, and people. There are other means to increasing county revenues than with hotel room taxes, et al.

Water resources are thin to negligible in drought years.

Traffic has always brought trouble: our local emergency services are mostly volunteer; county services can be stretched or non-existent if a serious situation occurs (major vehicle, ocean or other medical emergency), and especially if there are wildfires in the county or nearby state regions.

Wildfires are a major threat to this area of high fuel loads. The more people, the more potential of fire starts, one way or another.

Noise of traffic and lights from buildings impact the pristine qualities of this rural area, and we all moved out here with intentions to preserve both the quiet and the darkness. Those are not the characteristics that are prized by vacationers from outside the area, to put it mildly.

This family urges the County to reject any and all increases of tourist development on the Sonoma County coast, and which would include housing west of the coastal highway. We need housing for full time residency, not short term vacationers.

Sincerely,
Lake Perry
Lawrence K Hunter
and Family

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From: [Lake Perry](#)
To: [Claudette Diaz](#)
Subject: Re: Automatic reply: "Site-specific policies for visitor services"
Date: Wednesday, July 05, 2023 1:04:38 PM

I include here photos of Laguna Beach as an example of what opening up to more development will become.



Sincerely concerned,
Ms Lake Perry
Fort Ross/Cazadero

On Wed, Jul 5, 2023 at 12:28 PM Claudette Diaz <Claudette.Diaz@sonoma-county.org> wrote:

Thank you for your message. I will return to the office on Wednesday, July 5th. I will respond to your message at the earliest opportunity. Thank you for your patience and understanding.

For general planning inquiries, contact Planner@sonoma-county.org.

Thank you,

| Claudette Diaz

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From: [Margaret Grahame](#)
To: [Margaret Grahame](#)
Cc: [BOS](#); [district5](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](#); [Scott Farmer](#); [Martha Campbell Coast](#); [Brian Leubitz](#); [beth.coastmac@gmail.com](#)
Subject: URGENT: Last Minute Changes to Local Coastal Plan - Policies Restricting Development and Coastal Septic
Date: Wednesday, July 05, 2023 6:54:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[LCP Parcel Specific Redline — R3.pdf](#)
[Cal Coastal Act.pdf](#)
[July 2023 BOS Discussion Papers Combined.pdf](#)

Hello all,

I am reaching out to you as someone who is involved in business or development on the north Sonoma Coast. At a special Coast Municipal Advisory Committee (MAC) meeting on the proposed Local Coastal Plan (LCP) on June 22, 2023, our district supervisor, Supervisor Hopkins, signaled her desire to introduce three new policies in the Visitor Commercial Serving section of the LCP (attachment LCP Parcel Specific Redline – R3).

These policies are:

- **Blufftop/Sea Level Rise Policy:** *North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses.*
- **Desalination Policy:** *In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants of any scale is prohibited.*
- **Ocean Outfall Policy:** *To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.*

The potential impact of these new policies is huge. The **Blufftop/Sea Level Rise policy** prohibits existing private business operating north of Jenner and west of Highway 1 from changing, improving, upgrading, or creating anything that is not for public access, residential or traditional Tribal use. Any private property owner, regardless of what County and Coastal Commission regulations allow, will not be able to develop anything new that serves visitors to the coast, other than public access. Note that development is not limited to bricks and mortar, but also includes the use of the land, such as provision of services. This proposed policy could prohibit development such as affordable housing, EV charging stations, retail, information centers (cultural resources or otherwise), private emergency services, campgrounds, RV's, AirBnB, accommodation units of any sort, experiences such as kayaking, guided hikes, fishing, diving or infrastructure upgrades to utilities, broadband or restrooms.

Protection of Blufftops and Sea Level Rise? Regulations requiring comprehensive geotechnical analysis and subsequent setbacks of a specific parcel/bluff prior to any development, including impact of Sea Level Rise, **already exist**.

The **Ocean Outfall Policy** appears to prohibit the installation of any new septic system (my interpretation of what a wastewater outfall installation is) anywhere on the Sonoma Coast (is this the Coastal Zone?). No new toilets for anywhere on the Sonoma Coast – in homes, regional parks, campgrounds, general stores, medical support, aged care facilities, hotels. None. No toilets? No

building of anything that people use.

Protection of Ocean Outfall? Development regulations requiring state approved septic systems, including management of ocean runoff, **already exist**.

The Coastal Act (attached) clearly states in Section 30001 (d):

That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

It appears that these proposed policies fly in the face of the Coastal Act. Supervisor Hopkins appeared to create these new policies (along with edits relating to specific businesses in the LCP), with two others – Richard Charter and Richard Retecki. They were written without any input or collaboration with relevant businesses or organizations that might be impacted, without Permit Sonoma, who has spent the last 8 years updating the LCP, without the Coast MAC or even the Coastal Commission. In providing these LCP Update suggestions at this late stage, (a little over 1 month before the Board of Supervisors is slated to give final approval on the entire LCP on July 17, 2023), Supervisor Hopkins is advocating by-passing the entire LCP update process and inserting blanket policies at the last minute that prohibit developments **essential** to the economic and social well-being of the people of this state and especially to working persons within the coastal zone.

I urge you to let Supervisor Hopkins know that you do not support the proposed policies, nor the manner under which she has signaled them for inclusion in the LCP Update. Please take the time to read her proposed edits, as well as the Policy Options for visitor serving development prepared by Permit Sonoma, attached, (which in fact were supported unanimously at the last Board of Supervisors hearing on this issue), and consider the possible impact on your future.

Please contact Supervisor Hopkins and let her know your views on this – via email, by requesting a meeting with her to discuss, or providing public comment (written, verbal or in person) at the upcoming Board of Supervisors hearing on July 17, 2023. Relevant contact information is below.

We are all stewards of our coast. We are all doing our best to support the local economy through local jobs and services. We are supporting the greater Sonoma County through property taxes and TOT. We are doing our best to provide visitors to our wonderful coast with an extraordinary experience, just as we strive to do for those of us who live here. We are invested in taking care of the natural environment because without it, we could not do what we do, nor would we want to be here. A stringent and comprehensive set of regulations exist to protect the coast. Please do not allow three people to override this for our future.

Board of Supervisors Email: BOS@sonoma-county.org

Supervisor Hopkins Email: district5@sonoma-county.org

LCP Update (including BOS Hearing July 17, 2023):

<https://permitsonoma.org/longrangeplans/proposedlong-rangeplans/proposedlocalcoastalplanupdate>

Of course, feel free to contact me if you would like to discuss this further or forward this email to anyone you feel might be interested.

Warmly,

Margaret Grahame
Project Manager

[Timber Cove Resort](#) | [Coast Kitchen](#)
21780 Highway 1, Jenner, CA 95450
Hotel: 707-847-3231
Cell: 831-667-2757



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From: [CAROLINE Higgins](#)
To: [PRMD-LCP-Update](#); [Claudette Diaz](#); [Cecily Condon](#)
Subject: re: Two additions to the LCP update
Date: Thursday, July 06, 2023 10:21:19 AM

Hello Claudette and Cecily,

I am forwarding a copy of my most recent email to the Sonoma County Board of Supervisors for your consideration. I am hoping that you find the very non-controversial addition of ESHA policy a possibility to include as has been included in several other LCPs.

I also find the additional of language to consider concentration of STRs in the STR program language to be non controversial as it is neither pro nor con short term rentals but only asking that density be a consideration and part of the discussion in the implementation phase..I have raised this issue throughout the comment period but am usually drowned out by all the VR owners or realty groups who fear any limitation and also fail to understand the difference between a program and a policy or the plan phase from the implementation phase.

Please let me know if you have questions regarding these requests and thank you for all your work on the LCP

Sincerely

Cea Higgins

----- Original Message -----

From: CAROLINE Higgins <ceaview63@comcast.net>

To: "bos@sonoma-county.org" <bos@sonoma-county.org>

Cc: "susan.gorin@sonoma-county.org" <susan.gorin@sonoma-county.org>,
"lynda.hopkins@sonoma-county.org" <lynda.hopkins@sonoma-county.org>,
"chris.coursey@sonoma-county.org" <chris.coursey@sonoma-county.org>,
"james.gore@sonoma-county.org" <james.gore@sonoma-county.org>,
"david.rabbitt@sonoma-county.org" <david.rabbitt@sonoma-county.org>

Date: 07/04/2023 9:33 PM PDT

Subject: Two additions to the LCP update

Dear Supervisor

Thank you for all of your efforts to ensure that Sonoma County's LCP continues to protect the unique character of our coast and preserves its natural resources for future generations. I have been commenting on the LCP update process since 2015 and ask for your consideration and implementation at the July 17th Board of Supervisors meeting of these two additions that address current and future impacts to our coastal environment.

1. Creation of new ESHA Policy & Program:

In concurrence with the [Coastal Commission's Sea Level Rise Policy Guidance](#) and with the understanding that NOAA conservatively estimates that each inch of sea level rise results in the loss of about 2.5 meters (100

inches) of coastline, including environmentally sensitive habitat areas (ESHAs), it is important when adopting a managed retreat approach to SLR to ensure that our LCP not only prioritize preservation and restoration of ESHA but that we also work to **create new ESHA**. This type of *proactive planning* to expand ESHA, currently missing in our LCP, will increase the possibility and opportunity of inland migration and ensure there is available habitat to do so. I provide below an example of policy and program language from Marin County's LCP that has been certified by the Coastal Commission and ask that you advocate for similar inclusion in Sonoma County's LCP Open Space and Resource Conservation element.

C-BIO-5 Ecological Restoration. *Encourage the restoration and enhancement of degraded ESHAs and the **creation of new** ESHAs and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.*

Program C-BIO-5.b "Safe Harbor" for Expansion of ESHA.

Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining pre-existing buffers.

2. Density Considerations for Vacation and Hosted Rentals Program:

The LCP draft being considered for adoption does not contain any policies regarding regulation of short-term rentals (STR) in the Coastal Zone and instead contains program language to be considered in the future implementation phase of this update. As the County has chosen to bifurcate the process and adopt the plan first, it is important that any STR program suggested in the plan be comprehensive so that the implementation phase considers all possible known impacts.

The currently proposed program language is as follows:

Program C-LU-5-1P: *Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where high concentration of vacation rental would impact environmentally sensitive habitat areas, water quality or coastal access and develop land use policy to avoid these impacts.*

The Coastal Commission has approved ordinances throughout the coastal zone which address impacts from concentration of short-term rentals. The Commission cites examples in their [Short-Term Rental policy paper](#) where they state that they "look forward to working with jurisdictions and communities "to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale."

The CCC approved Local Coastal Program regulations include:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Exclusion zones (does not equate with a ban)

The County has supported these types of regulations for inland Sonoma County. The Coast deserves similar types of regulations that support a balance between offering visitor serving amenities and preserving community character in the Coastal Zone; especially to protect against the proliferation of corporate and co-ownership property companies.

To prevent impacts from an over-concentration of vacation rentals and to preserve neighborhood character and allow for work force housing, the following words **bold and highlighted** should be added to ensure these issues will be considered during the implementation phase of the LCP update.

Program C-LU-5-1P: *Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where concentration of vacation rentals would impact environmentally sensitive habitat areas, water quality, **housing stock and affordability, community character, noise, traffic impacts** or coastal access and develop land use policy to avoid these impacts.*

Thank you for your consideration of these small but crucial amendments to strengthen our Local Coastal Plan.

Cea Higgins

Co-Founder

Save the Sonoma Coast



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From: Denny
 To: Claudette Diaz
 Subject: Proposed LCP Draft
 Date: Sunday, July 09, 2023 3:01:35 PM

EXTERNAL

Comments June 22 Coastal MAC/LCP Meeting Bodega Bay

Dear Claudette,

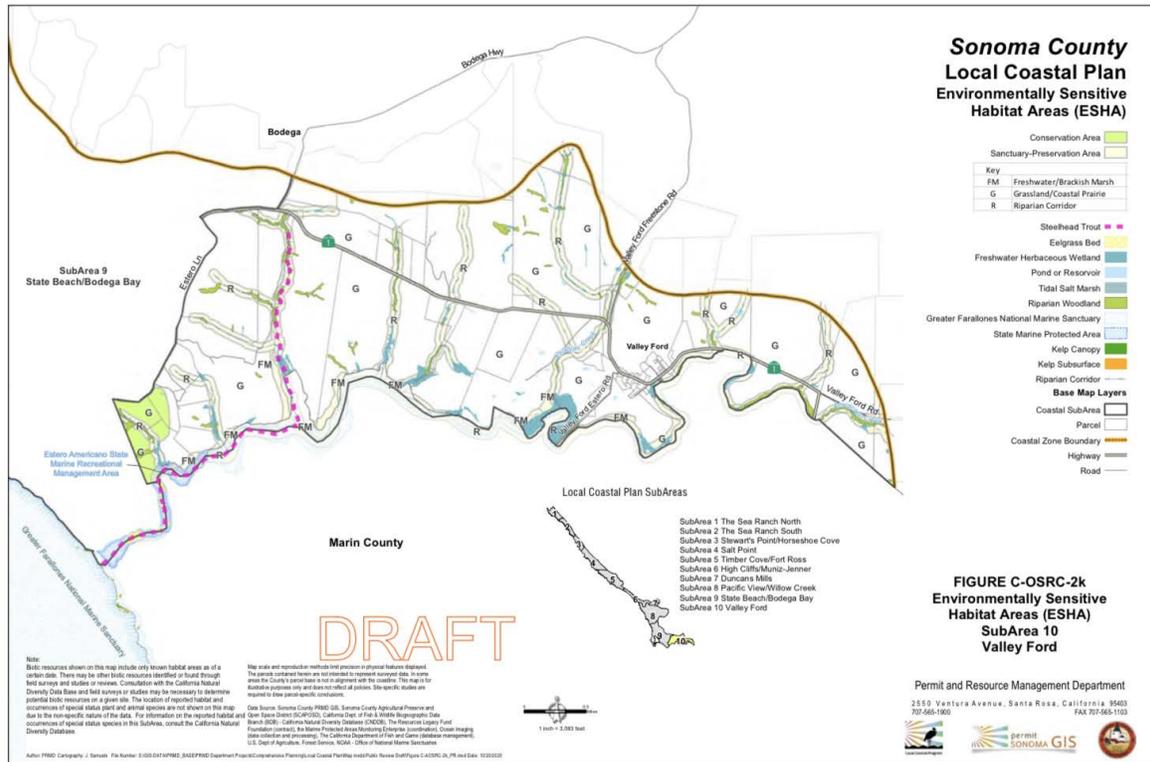
I attended the recent June 22 Coastal Mac/ LCP meeting in Bodega Bay. I provided comment on two unresolved issues. The first is the Conservation designation that is portrayed on the ESHA map sub area 10 on my parcel 103-040-012 on Estero Ln. Over a year ago I reached out to Gary Helfrich, John Mack and Rich Stabler but never received a clear answer as to the basis of the conservation area designation, what does it mean and what are the consequences for the future. I have owned the property since the late 1980's. Historically it has always been in agriculture - since our ownership, has been consistently grazed by sheep or cattle. Since that time I have underground PGE, installed a septic system, designed a driveway and retaining walls, built a house and several auxiliary buildings, installed solar, all under the supervision of the Permit Sonoma/Coastal Commission permit process. I was never informed by the County or Coastal Commission that my property was designated a conservation area. At the June 22 meeting, Cecily Condon, in response to my comment/question, stated all of the parcels around the Estero are designated conservation area. I have attached the proposed map which refutes that statement. I recently revisited this issue and contacted Rich Stabler, Sonoma County biologist who told me this issue came up several years ago. The county reached out to a past planner who was involved in the earlier LCP. He was unable to provide the basis for the maps and designation, leaving questions unresolved. If the county is unable to provide science based evidence supporting the designation, it should be removed.

The second issue is the proposed public access points on the Public Access Maps, in particular for area Map 10. I have been participating in the LCP process for many years on this issue. Quoted in the February 2023 and July 2023 Discussion Points, it states that removal of proposed access points is consistent with the Coastal Act as long as existing access points remain. The new public access maps provided in the proposed LCP are even worse, compromising to a greater extent the sensitive pristine habitat of the Estero Americano, confusing the public and encouraging trespass on private property. Particularly egregious is J-2. There are no easements allowing for public access between Hwy 1, Estero Ln to the Estero Americano through any portion of the private properties leading to it. This is but one example, ALL proposed access points/ wishlists on the LCP public access maps need to be erased.

Thank you for your consideration,

Denny Tibbets

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From: [Margaret Grahame](#)
To: [district5](#); [Michael Barry](#)
Cc: [BOS](#); [Leo Chyi](#); [Elise Weiland](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Scott Farmer](#); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](#)
Subject: RE: Meeting to discuss LCP Update (Visitor Serving Commercial), Timber Cove Inn, Timber Cove Resort and Timber Cove Country Inn
Date: Sunday, July 09, 2023 5:28:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[BOS LCP Visitor Serving Uses 070923.pdf](#)
[Cal Coastal Act.pdf](#)
[July 2023 BOS Discussion Papers Combined.pdf](#)
[LCP Parcel Specific Redline — R3.pdf](#)
[LCP Recreation and Visitor Serving Facilities - Draft April 1980.pdf](#)

EXTERNAL

Good afternoon Supervisor,

Please find attached an information paper and associated references in preparation for our meeting on Thursday July 13, 2023 on the Sonoma County Local Coastal Plan Update – Site Specific Uses for Visitor Serving Development.

I hope this paper addressed some issues that have arisen during public dialogue on this matter.

I look forward to talking with you further next week.

Warmly,

Margaret

Margaret Grahame
Cell: 831-667-2757

From: Margaret Grahame
Sent: Thursday, June 29, 2023 12:56 PM
To: Fifth District Supervisor Lynda Hopkins <district5@sonoma-county.org>; Michael Barry <mbarry@ironstate.net>
Cc: BOS@sonoma-county.org; [Leo Chyi <Leo.Chyi@sonoma-county.org>](mailto:Leo.Chyi@sonoma-county.org); [Elise Weiland <Elise.Weiland@sonoma-county.org>](mailto:Elise.Weiland@sonoma-county.org); [Scott Orr <scott.orr@sonoma-county.org>](mailto:scott.orr@sonoma-county.org); Cecily.Condon@sonoma-county.org; 'Claudette Diaz' <Claudette.Diaz@sonoma-county.org>; [Scott Farmer <farmer.cmac@mcn.org>](mailto:farmer.cmac@mcn.org); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](mailto:Stephanie.Rexing@coastal.ca.gov) <Stephanie.Rexing@coastal.ca.gov>
Subject: Meeting to discuss LCP Update (Visitor Serving Commercial), Timber Cove Inn, Timber Cove Resort and Timber Cove Country Inn

Good afternoon Supervisor,

Thank you for instigating the recent special meeting of the Coast MAC to allow the different community voices to be heard about specific policies within the LCP Update. The MACs were your creation, and I continue to believe in them as a respectful and appropriate way for discourse and understanding within our communities and with you, however uncomfortable they might be.

As a follow up to this and all that has happened since the last BOS hearing on the LCP Update, I would like to again meet with you, together with the owner of Timber Cove Country Inn (TCCI), Michael Barry, to discuss this issue. When all three of us last met to discuss the LCP update, you did not wish to discuss TCCI in the context of the LCP Update. Since then, it has become apparent that there is the perception that the LCP Update, Timber Cove Inn, Timber Cove Resort and TCCI are inextricably linked. I would like to ensure that you are fully apprised of the TCCI development, including ownership, parcel boundaries, zoning, protection of ESHA, even my role in the process and how it is connected to the LCP Update and Timber Cove Inn.

It also appears that opposition to both my proposed change in the LCP Update, as well as to the TCCI development application, rests upon a desire for there to be absolutely no development of any kind on the currently vacant TCCI parcel, located next to Timber Cove Resort. As a resident of Timber Cove, someone who chose to invest in, live in and steward this natural environment, I can understand the desire to keep the neighboring parcels free of development for my personal enjoyment. I do not, however, have the authority to dictate this should my neighbor desire to build a home on their parcel. The process that the TCCI development application is following is that determined for any application for a Coastal Development Permit west of Highway 1. The application is currently under review by Permit Sonoma and has been sent for formal review by outside agencies, including the Coastal Commission, Coast MAC and special interest groups, twice. The second time as a result of an amended application based on feedback provided in the initial review. Michael Barry and the team on TCCI have always firmly believed in creating a project that not only conforms with all appropriate regulations set down in this process, including a CEQA analysis, but also positively enhances and benefits the Sonoma Coast, our community and those that visit. I hope that you do not feel that one special interest group is able to override this comprehensive and inclusive process to meet their own personal criteria.

We look forward to discussing this with you further, obviously before the July 17 BOS hearing on the LCP Update. I shall be reaching out to your fellow supervisors with the same request for discussion. I shall also provide you with an information paper prior to meeting for expediency.

I look forward to hearing from you,

Warmly,

Margaret Grahame
Project Manager
[Timber Cove Resort](#) | [Coast Kitchen](#)
21780 Highway 1, Jenner, CA 95450
Hotel: 707-847-3231
Cell: 831-667-2757



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Goal C-LU-5: Encourage public access and visitor-serving uses in the Coastal Zone and establish adequate commercial services for visitors on the Sonoma County coast where such development can be accommodated with minimal impacts on views and natural resources.

Objective C-LU-5.1: Identify and develop new or expand existing commercial services for visitors in urban service areas and rural communities.

Policy C-LU-5a: Encourage the development and expansion of visitor- and local-serving commercial uses within urban service areas and rural community boundaries where water supply and wastewater disposal requirements can be met. (EXISTING LCP REVISED)

Policy C-LU-5b: Limit new visitor-serving commercial development to areas within designated urban service areas and rural community boundaries except for the lowest intensity development (i.e., guest ranches, and bed and breakfast inns, vacation rentals, and agricultural farmstays). (EXISTING LCP REVISED)

Policy C-LU-5c: Provide public restrooms and drinking water facilities where needed and appropriate as part of visitor- and local-serving commercial development. (EXISTING LCP REVISED)

Policy C-LU-5d: Allow limited expansion of existing visitor- and local-serving commercial uses outside of urban service areas and rural community boundaries where water supply and wastewater disposal requirements can be met and where expansion is found to have no impact on coastal environmental resources. (CCC REVISED - EXISTING LCP REVISED)

Policy C-LU-5e: Encourage the provision of modest scale overnight accommodations that which have minimal impacts on the coastal environment, including campgrounds, bed and breakfast accommodations in existing homes, guest ranches, inns, and motels. Guest ranches in agricultural areas shall be compatible with continued ranch operations and shall be limited to the allowable residential density.

Policy C-LU-5f: ~~Allow expansion of overnight accommodations and other visitor-serving commercial uses; and local-serving commercial uses on Annapolis Road.~~ Ensure that expansion of overnight accommodations, visitor-serving commercial uses, and local-serving commercial uses are consistent with the historic nature and character of this rural, agricultural, forest community.

Policy C-LU-5g: ~~Allow~~ **Ensure any** development of limited visitor- and local-serving commercial uses at Stewarts Point ~~designed to complements~~ the historic character of the community.

C-LU-5h NEW (combined 3 into 1 to clarify intent): 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.

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

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

Note: Can staff please contact the Stillwater Cove Ranch owners to ensure they support the elimination of this property's parcel-specific reference? It is no longer used as a commercial facility, and is used instead as a family compound.

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

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

Policy C-LU-5n: ~~Allow~~ **L**imited 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~~ **shall** preserve the area's scenic character.

Policy C-LU-5o: ~~Allow~~ **A** 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.

Policy C-LU-5p: ~~Allow~~ **In recognition of the potential of sea level rise to eliminate existing campground space over time**, provision of overnight accommodations of 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.**

Policy C-LU-5q: ~~Allow~~ **Any** expansion of public access to the Bridgehaven Resort, **by 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 ~~of any Coastal Development Permit for expansion of uses at the resort~~. **No exemption from formal state policies governing shoreline armoring in response to sea level rise or other natural forces is granted at this location.**

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

Policy C-LU-5s: 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: ~~Allow modest expansion of commercial uses in Valley Ford if water supply and wastewater treatment and disposal requirements can be met~~. **Modest expansion of commercial uses in Valley Ford is contingent on the availability of adequate water supply and wastewater treatment, which are limited in the area. Any commercial expansion must be consistent with the community's historic character.**

Alt language: No expansion of commercial uses in Valley Ford unless water supply and wastewater treatment and disposal requirements can be met. Expansion, if any, shall be designed to complement the historic character of the community.

Blufftop/Sea Level Rise Policy — NEW

Policy_____: North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses.

Desalination Policy — NEW

Policy_____: In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants of any scale is prohibited.

Ocean Outfall Policy — NEW

Policy_____: To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.

Sonoma County Local Coastal Plan Update

Site Specific Uses for Visitor Serving Development

Margaret Grahame, July 9, 2023

Request

- Support Permit Sonoma Staff Recommendation for Site Specific Uses in the Local Coastal Plan Update:
 - *Staff recommends Policy Option A, (ALT 1) as shown above for each policy **removing all parcel and site specific policies relating to visitor serving uses**. (Refer attached July 2023 BOS Discussion Papers Combined.)*
- Oppose adoption of alternative and new policies drafted by Richard Charter and Richard Retecki, in conjunction with Supervisor Hopkins, for the Visitor Serving Uses section of LCP Update (Refer attached LCP Parcel Specific Redline – R3.)

Process to Date

In their Discussion Papers, Permit Sonoma has provided a comprehensive timeline, decision points and discussion on Site Specific Uses in the Local Coastal Plan Update. Permit Sonoma has also provided comment on each of the policies in question, together with their recommendation for Policy Option A (ALT 1). This paper was presented to the Board of Supervisors (BOS) prior to the June 6, 2023 BOS meeting, where the BOS unanimously agreed to support staff's recommendation to remove all parcel and site specific policies relating to visitor serving uses.

At the June 22, 2023 Special Meeting of the Coast MAC, Supervisor Hopkins signaled a possible reversal of this decision, introducing consideration for Policy Option C of the Discussion Paper, rather than the staff recommended Policy Option A. In support of Policy Option C, Supervisor Hopkins introduced a new document that included edits to some policies and the introduction of three new policies.

It is unclear if this new document will be considered by the BOS at the Special Meeting on July 17, 2023. It is understood that Permit Sonoma has been given no direction to change their recommendation for Policy Option A and the removal of all parcel and site-specific policies relating to visitor-serving uses.

Considerations

Why remove policies referring to a specific business?

The Visitor-Serving Uses section is in the Land Use element of the LCP. Per Permit Sonoma, "site specific use policies are used to allow existing uses or limit future expansions based on environmental constraints". A business name, say Timber Cove Inn, may or may not indicate an activity (Inn), but it does not objectively describe the geographic boundary of land or site (Timber Cove).

Without clearly defined geographic boundaries, the environmental constraints of a ‘business’ or ‘site’ cannot be determined. Environmental analysis is done as part of the regulatory process when a Coastal Development Permit for new development is requested for a given parcel of land or geographically designated site.

The historical basis for the policy limiting expansion of Timber Cove Inn (refer LCP Recreation and Visitor Serving Facilities – Draft April 1980, attached), was not based on any environmental consideration, but upon survey respondents who disliked the way the Inn was managed. In 1980. Not only has management and ownership of Timber Cove Inn, the business (and the land), changed hands multiple times in the 43 years since then, but the business of Timber Cove Inn no longer exists. The current business located at 21780 Highway 1 is Timber Cove Resort.

Or as Permit Sonoma states “*application of a site specific policy referencing a specific business rather than any geographic boundary is unclear and requires additional interpretation.*”

The proposed development project, Timber Cove Country Inn, is an expansion of Timber Cove Inn, and is therefore prohibited.

Policy C-LU-5m of the LCP Update states: “*Limit expansion at the Timber Cove Inn to improved parking and public access facilities.*”

As noted above, Timber Cove Inn no longer exists. Timber Cove Resort is situated on the parcel of land located at 21780 Highway 1. The vacant parcel of land next to Timber Cove Resort, located at 21850 Highway 1, is home to the proposed development, Timber Cove Country Inn. They are completely separate parcels, created prior to the original LCP in 1980. The parcels have separate ownership, although some individuals own both.

Opponents to the removal of these policies assert that Timber Cove Inn comprises two parcels of land – that containing the Timber Cove Resort building **and** the vacant parcel next door – and therefore, the development of Timber Cove Country Inn is an expansion of Timber Cove Inn. They assert the proposed policy in the LCP Update containing an expansion limitation on Timber Cove Inn prohibits the development of Timber Cove Country Inn on the vacant parcel.

The developers plan is to keep the public away from the coast for part of the year and build an event center and multiple high-end rental houses.

Timber Cove Country Inn comprises 12 detached guest cabins, each approximately 649 sf in size, with a maximum roof height of 13’-4”. A 2,623 sf detached reception / spa building will be open to the general public, with three treatment rooms, a multi-purpose room and reception and storage area. There is a small soaking tub and sauna room, each approximately 96 sf. Situated on 12.74 acres, it also includes publicly accessible coastal walking trails and a bicycle easement next to Highway 1.

Timber Cove Resort and Timber Cove Country Inn are both located within the Rural Community of Timber Cove (a planning designation aimed at concentrating higher density uses within a given area), that also includes Timber Cove Boat Launch and Camping, Fort Ross Lodge and General Store and the residential subdivision of Timber Cove. Timber Cove Country Inn is an independent business from Timber Cove Resort, and will not include any special events or outdoor live amplified music.

In July 2021 Timber Cove Country Inn submitted a revised and complete development application, based upon feedback and review of an initial July 2020 application. The completed application has undergone a subsequent review by relevant agencies, interested parties and the general public, and is currently under review by Permit Sonoma. Staff are yet to make a recommendation.

Removal of the Timber Cove Inn expansion limitation policy, and other site-specific policies, shall lead to unfettered development on the Sonoma Coast.

In their Discussion Paper, Permit Sonoma comments *“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.”*

Regulations governing any potential development on the Sonoma Coast, especially west of Highway 1, are particularly wide-reaching and comprehensive. So too is the process of review. Regulations exist to ensure a development has less than significant impact on the environment, considering factors such as environmentally sensitive habitat areas, geological (including sea level rise impacts), cultural resources and visual impacts, including height limitations and exterior materials and lighting. As no sewer systems exist in Timber Cove, septic systems are required to support all wastewater output. Septic capacity is determined scientifically by what each different parcel of land can support. Improved public access is required.

Any new development proposal west of Highway 1 will be thoroughly reviewed by Permit Sonoma, the Coastal Commission, relevant agencies such as fire departments and air quality control, Coast MAC, special interest groups and the general public. It is subject to Design Review and review by the Planning Commission, and if necessary, the BOS and Coastal Commission.

Site specific policies were used to flag sensitive coastal parcels of unusual environmental value. They assure extra protection for sensitive and unique coastal resources. They are necessary to preserve biodiversity and habitat, manage climate change impacts, enhance public access and enjoyment and preserve cultural and historical significance.

As stated in their Discussion Papers, Permit Sonoma was unable to find anything to support the validity of the above assertions for these sites, commenting at times that *“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.”* In other words, Permit Sonoma had no records supporting the unusual or unique environmental nature, biodiversity and habitat, climate change impacts, public access or cultural and historical significance of the sites that are claimed to be the basis for the policies.

New policies are needed to protect the coast from development:

- ***Blufftop/Sea Level Rise: North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses;***

- ***Desalination Policy: In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants or any scale is prohibited.***
- ***Ocean Outfall Policy: To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.***

All three proposed new policies arbitrarily limit or prohibit development, regardless of the fact that:

- *Existing site constraints ... and potential limitations on development ... throughout the coastal zone would be adequately addressed through existing and proposed policies, and*
- *No permit records can be found that provide a reason to approve or deny coastal development permits associated with new or expanded development in this area.*

There is no justification for these policies, so what is the intention behind them? It appears to be:

- a desire to eradicate:
 - any new visitor-serving development north of Jenner;
 - any possibility of desalination processing;
 - any new septic system on the Sonoma Coast, and/or
- a lack of confidence in the existing regulations, policies and processes to manage the possibility of such development.

These new policies were written in complete isolation of any consultation with interested parties and stakeholders, Permit Sonoma, or the Coastal Commission. They are offered outside of the regulated LCP review process that has been ongoing since 2015, disregarding existing regulations, policies and due process.

Californian Coastal Act

Section 30001 (d) of the Coastal Act states:

“That existing developed uses, and future developments that are carefully planned and developed, consistent with policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.” (Refer attached Cal Coastal Act.)

In stating that carefully planned development is essential to the social and economic wellbeing of this state, the Coastal Act recognizes that the coast should not be arbitrarily restricted from development. Regulations and processes exist to ensure that potential development is carefully planned and developed so that no single owner or developer can unilaterally decide to build or develop, just as no single special interest group can unilaterally decide to prohibit or limit development – now or in the future.

**PUBLIC RESOURCES CODE
DIVISION 20
CALIFORNIA COASTAL ACT
(2019)**

	<u>Section</u>	<u>Page</u>
Chapter 1 Findings and Declarations and General Provisions	30000	1
Chapter 2 Definitions	30100	7
Chapter 2.5 Revisions to the Coastal Zone Boundary	30150	14
Chapter 3 Coastal Resources Planning and Management Policies	30200	29
Article 1. General		
Article 2. Public Access		
Article 3. Recreation		
Article 4. Marine Environment		
Article 5. Land Resources		
Article 6. Development		
Article 7. Industrial Development		
Chapter 4 Creation, Membership, and Powers of Commission and Regional Commissions	30300	43
Article 1. Creation, Membership of Commission & Regional Commission		
Article 2. Qualifications and Organization		
Article 2.5 Fairness & Due Process		
Article 3. Powers & Duties		
Article 4. Local Coastal Program Implementation Costs		
Chapter 5 State Agencies	30400	65
Article 1. General		
Article 2. State Agencies		
Chapter 6 Implementation	30500	73
Article 1. Local Coastal Program		
Article 2. Procedure for Preparation, Approval, & Certification of Local Coastal Program		
Article 3. Coastal Public Access Program		
Chapter 7 Development Controls	30600	89
Article 1. General Provisions		
Article 2. Development Control Procedures		
Chapter 8 Ports	30700	119
Article 1. Findings & General Provisions		
Article 2. Policies		
Article 3. Implementation; Master Plan		
Chapter 9 Judicial Review, Enforcement, and Penalties	30800	128
Article 1. General Provisions		
Article 2. Penalties		
Chapter 10 Severability	30900	137



**CHAPTER 1
FINDINGS AND DECLARATIONS AND
GENERAL PROVISIONS**

Section

<u>30000</u>	Short title
<u>30001</u>	Legislative findings and declarations; ecological balance
<u>30001.2</u>	Legislative findings and declarations; economic development
<u>30001.5</u>	Legislative findings and declarations; goals
<u>30002</u>	Legislative findings and declarations; implementation of plan
<u>30003</u>	Compliance by public agencies
<u>30004</u>	Legislative findings and declarations; necessity of continued planning and management
<u>30005</u>	Local governmental powers; nuisances; attorney general's powers
<u>30005.5</u>	Local governmental powers; construction
<u>30006</u>	Legislative findings and declarations; public participation
<u>30006.5</u>	Legislative findings and declarations; technical advice and recommendations
<u>30007</u>	Housing; local governments
<u>30007.5</u>	Legislative findings and declarations; resolution of policy conflicts
<u>30008</u>	Division as coastal zone management program
<u>30009</u>	Construction
<u>30010</u>	Compensation for taking of private property; legislative declaration
<u>30011</u>	Application of <u>Government Code Section 65590</u> review of local government's application; evidence of compliance; information concerning status of action to apply
<u>30012</u>	Legislative findings and declarations; public education program
<u>30013</u>	Environmental Justice

Section 30000 Short Title

This division shall be known and may be cited as the California Coastal Act of 1976.

Section 30001 Legislative findings and declarations; ecological balance

The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

(Amended by Ch. 1090, Stats. 1979.)

Section 30001.2 Legislative findings and declarations; economic development

The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

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) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

(Amended by: Ch. 1090, Stats. 1979; Ch. 1617, Stats. 1982.)

Section 30002 Legislative findings and declarations; implementation of plan

The Legislature further finds and declares that:

(a) The California Coastal Zone Conservation Commission, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), has made a detailed study of the coastal zone; that there has been extensive participation by other governmental agencies, private interests, and the general public in the study; and that, based on the study, the commission has prepared a plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone.

(b) Such plan contains a series of recommendations which require implementation by the Legislature and that some of those recommendations are appropriate for immediate implementation as provided for in this division while others require additional review.

Section 30003 Compliance by public agencies

All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.

Section 30004 Legislative findings and declarations; necessity of continued planning and management

The Legislature further finds and declares that:

(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.

(b) To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission.

Section 30005 Local governmental powers; nuisances; attorney general's powers

No provision of this division is a limitation on any of the following:

(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.

(b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General to bring an action in the name of the people of the state to enjoin any waste or pollution of the resources of the coastal zone or any nuisance.

(d) On the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief.

Section 30005.5 Local governmental powers; construction

Nothing in this division shall be construed to authorize any local government, or to authorize the commission to require any local government, to exercise any power it does not already have under the Constitution and laws of this state or that is not specifically delegated pursuant to Section [30519](#).

(Added by Ch. 744, Stats. 1979.)

Section 30006 Legislative findings and declarations; public participation

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Section 30006.5 Legislative findings and declarations; technical advice and recommendations

The Legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decisionmaking, especially with regard to issues such as coastal erosion and geology, marine biodiversity, wetland restoration, the question of sea level rise, desalination plants, and the cumulative impact of coastal zone developments.

(Added by Ch. 965, Stats. 1992.)

Section 30007 Housing; local government

Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

Section 30007.5 Legislative findings and declarations; resolution of policy conflicts

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Section 30008 Division as coastal zone management program

This division shall constitute California's coastal zone management program within the coastal zone for purposes of the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451, et seq.\)](#) and any other federal act heretofore or hereafter enacted or amended that relates to the planning or management of coastal zone resources; provided, however, that within federal lands excluded from the coastal zone pursuant to the Federal Coastal Zone Management Act of 1972, the State of California shall, consistent with applicable federal and state laws, continue to exercise the full range of powers, rights, and privileges it now possesses or which may be granted.

(Amended by Ch. 1075, Stats. 1978.)

Section 30009 Construction

This division shall be liberally construed to accomplish its purposes and objectives.

Section 30010 Compensation for taking of private property; legislative declaration

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

(Amended by Ch. 285, Stats. 1991.)

Section 30011 Requirements of [Government Code § 65590](#); review of local government's application; evidence of compliance; information concerning status of action to apply

Nothing in this division shall authorize the commission to review a local government's application of the requirements of [Section 65590 of the Government Code](#) to any development. In addition, the commission shall not require any applicant for a coastal development permit or any local government to provide certification or other evidence of compliance with the requirements of [Section 65590 of the Government Code](#). The commission may, however, solely in connection with coastal development permit applications described in subdivision (c) of Section [30600.1](#), require information about the status of a local government's action to apply the requirements of [Section 65590 of the Government Code](#). This information shall be used for the purpose determining time limits for commission action on these applications as provided in that subdivision (c).

(Added by Ch. 43, Stats. 1982.)

Section 30012 Legislative findings and declarations; public education program

(a) The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment.

(b) (1) The commission shall, to the extent that its resources permit, carry out a public education program that includes outreach efforts to schools, youth organizations, and the general public for the purpose of promoting understanding of, fostering a sense of individual responsibility for, and encouraging public initiatives and participation in programs for, the conservation and wise use of coastal and ocean resources. Emphasis shall be given to volunteer efforts such as the Adopt-A-Beach program.

(2) In carrying out this program, the commission shall coordinate with other agencies to avoid duplication and to maximize information sharing.

(c) The commission is encouraged to seek funding from any appropriate public or private source and may apply for and expend any grant or endowment funds for the purposes of this section without the need to specifically include funds in its budget. Any funding made available to the commission for these purposes shall be reported to the fiscal committee of each house of the Legislature at the time its budget is being formally reviewed.

(d) The commission is encouraged to seek and utilize interns for the purpose of assisting its regular staff in carrying out the purposes of this section and this division and, notwithstanding any other provision of law, may participate in any internship program the executive director determines to be appropriate. With respect to any internship program the commission uses, it shall make the best efforts to ensure that the participants in the program reflect the ethnic diversity of the state and are provided an educational and meaningful experience.

(e) The commission shall submit to each house of the Legislature an annual report describing the progress it is making in carrying out this section.

(Added by Ch. 802, Stats. 1991.)

Section 30013 Environmental Justice

The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, [subdivision \(a\) of Section 11135 of the Government Code](#) and [subdivision \(e\) of Section 65040.12 of the Government Code](#) apply to the commission and all public agencies implementing the provisions of this division. As required by [Section 11135 of the Government Code](#), no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.

(Added by Ch. 578, Stats. 2016.)

CHAPTER 2 DEFINITIONS

Section

30100	Interpretation governed by definitions
30100.2	Aquaculture; aquaculture products
30100.5	Coastal county
30101	Coastal-dependent development or use
30101.3	Coastal-related development
30101.5	Coastal development permit
30102	Coastal plan
30103	Coastal zone; map; purpose
30103.5	Coastal zones in Los Angeles County and area of San Juan Capistrano; inland boundaries
30105	Commission; regional commission
30105.5	Cumulatively; cumulative effect
30106	Development
30107	Energy facility
30107.3	Environmental Justice
30107.5	Environmentally sensitive area
30108	Feasible
30108.1	Federal Coastal Act
30108.2	Fill
30108.4	Implementing actions
30108.5	Land use plan
30108.55	Local coastal element
30108.6	Local coastal program
30109	Local government
30109.5	<i>(REPEALED)</i>
30110	Permit
30111	Person
30112	Port government body
30113	Prime agricultural land
30114	Public works
30115	Sea
30116	Sensitive coastal resource areas
30118	Special district
30118.5	Special treatment area
30119	State university
30120	Treatment works
30121	Wetland
30122	Zoning ordinance

Section 30100 Interpretation governed by definitions

Unless the context otherwise requires, the definitions in this chapter govern the interpretation of this division.

Section 30100.2 Aquaculture; aquaculture products

"Aquaculture" means a form of agriculture as defined in [Section 17 of the Fish and Game Code](#). Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.

(Added by Ch. 1486, Stats. 1982; Amended by Ch. 131, Stats. 1983.)

Section 30100.5 Coastal county

"Coastal County" means a county or city and county which lies, in whole or in part, within the coastal zone.

Section 30101 Coastal-dependent development or use

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section 30101.3 Coastal-related development

"Coastal-related development" means any use that is dependent on a coastal-dependent development or use.

(Added by Ch. 1090, Stats. 1979.)

Section 30101.5 Coastal development permit

"Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section [30600](#).

Section 30102 Coastal plan

"Coastal plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Section 30103 Coastal zone; map; purpose

(a) "Coastal zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to [Title 7.2 \(commencing with Section 66600\) of the Government Code](#), nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

(b) The commission shall, within 60 days after its first meeting, prepare and adopt a detailed map, on a scale of one inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county. The purpose of this provision is to provide greater detail than is provided by the maps identified in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division. The commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary up to a maximum of 100 yards except as otherwise provided in this subdivision, or the minimum distance seaward necessary up to a maximum of 200 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features. Where a landward adjustment is requested by the local government and agreed to by the property owner, the maximum distance shall be 200 yards.

(Amended by: Ch. 213, Stats. 1978; Ch. 670, Stats. 1991.)

Section 30103.5 Coastal zones in Los Angeles County and area of San Juan Capistrano; inland boundaries

(a) Notwithstanding map number 138 adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone in Los Angeles County in the vicinity of Los Angeles International Airport shall be the Pershing Drive built after January 1, 1970, rather than the Pershing Drive built prior to that date.

(b) Notwithstanding map number 149 adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone in the area of the City of San Juan Capistrano in Orange County shall exclude all portions of the City of San Juan Capistrano and shall follow Camino Capistrano and Via Serra and generally an extension of Via Serra to the point where it joins the existing coastal zone boundary.

(Added by Ch. 213, Stats. 1978.)

Section 30104 (Blank)

Section 30105 Commission; regional commission

(a) "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

(b) "Regional commission" means any regional coastal commission. Whenever the term regional coastal zone conservation commission appears in any law, it means the regional coastal commission.

Section 30105.5 Cumulatively; cumulative effect

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(Added by Ch. 1087, Stats. 1980.)

Section 30106 Development

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with [Section 66410 of the Government Code](#)), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction,

reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the [Z'berg-Nejedly Forest Practice Act of 1973](#) (commencing with [Section 4511](#)).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Section 30107 Energy facility

"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Section 30107.3 Environmental Justice

"Environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Added by Ch. 578, Stats. 2016.)

Section 30107.5 Environmentally sensitive area

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30108 Feasible

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Section 30108.1 Federal coastal act

"Federal coastal act" means the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451, et seq.\)](#), as amended.

(Added by Ch. 1173, Stats. 1981.)

Section 30108.2 Fill

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Section 30108.4 Implementing actions

"Implementing actions" means the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to [Section 30502](#).

Section 30108.5 Land use plan

"Land use plan" means the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the

applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Section 30108.55 Local coastal element

"Local coastal element" is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or any additional elements of the local government's general plan prepared pursuant to [Section 65303 of the Government Code](#), as the local government deems appropriate.

(Amended by Ch. 1009, Stats. 1984.)

Section 30108.6 Local coastal program

"Local coastal program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

(Amended by Ch. 919, Stats. 1979.)

Section 30109 Local government

"Local government" means any chartered or general law city, chartered or general law county, or any city and county.

Section 30109.5 (Repealed by Ch. 1331, Stats. 1976.)

Section 30110 Permit

"Permit" means any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

Section 30111 Person

"Person" means any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

(Amended by Ch. 1010, Stats. 1994.)

Section 30112 Port

"Port governing body" means the Board of Harbor Commissioners or Board of Port Commissioners which has authority over the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District.

Section 30113 Prime agricultural land

"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of [Section 51201 of the Government Code](#).

(Amended by Ch. 43, Stats. 1982.)

Section 30114 Public works

"Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

(Amended by: Ch. 1075, Stats. 1978; Ch. 1553, Stats. 1982; Ch. 392, Stats. 1985.)

Section 30115 Sea

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to [Title 7.2 \(commencing with Section 66600\) of the Government Code](#), including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

Section 30116 Sensitive coastal resource areas

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

Section 30117 (Blank.)

Section 30118 Special district

"Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.

Section 30118.5 Special treatment area

"Special treatment area" means an identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

Section 30119 State university

"State university" means the University of California and the California State University.

(Amended by Ch. 143, Stats. 1983.)

Section 30120 Treatment works

"Treatment works" shall have the same meaning as set forth in [the Federal Water Pollution Control Act \(33 U.S.C. 1251, et seq.\)](#) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

Section 30121 Wetland

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 30122 Zoning ordinance

"Zoning ordinance" means an ordinance authorized by [Section 65850 of the Government Code](#) or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

(Added by Ch. 919, Stats. 1979.)

CHAPTER 2.5
REVISIONS TO THE COASTAL
ZONE BOUNDARY

Section

<u>30150</u>	Amendment of inland boundary
<u>30152</u>	Del Norte County
<u>30154</u>	Humboldt County
<u>30156</u>	San Mateo County
<u>30156.1</u>	San Mateo County; City of Pacifica
<u>30158</u>	Santa Cruz County
<u>30160</u>	Monterey County
<u>30162</u>	Santa Barbara County
<u>30164</u>	Ventura County
<u>30166</u>	Los Angeles County
<u>30166.5</u>	City of Malibu; submission and adoption of local coastal program
<u>30168</u>	Orange County
<u>30169</u>	Aliso Viejo area of Orange County
<u>30170</u>	San Diego County
<u>30170.6</u>	San Diego County; Peñasquitos Canyon
<u>30170.7</u>	<i>(REPEALED)</i>
<u>30171</u>	City of Carlsbad; submission and adoption or failure to adopt local coastal program; amendment of program
<u>30171.2</u>	City of Carlsbad; local coastal program; agricultural conversion fees; priorities; reimbursements; claims; appropriations
<u>30171.5</u>	City of Carlsbad; local coastal program; mitigation fees for development on non-prime agricultural lands; priorities
<u>30172</u>	Exclusion from coastal zone in San Diego County
<u>30174</u>	Coastal zone in San Diego County; amendment of inland boundary
<u>30176</u>	<i>(REPEALED)</i>

Section 30150 Amendment of inland boundary

Notwithstanding the maps adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone, as shown on the detailed coastal maps adopted by the commission on March 1, 1977, is amended by maps 1 to 35, inclusive, dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State and which are on file in the office of the commission. Maps 1 to 35, inclusive, are hereby adopted by reference.

The areas deleted and added to the coastal zone are specifically shown on maps 1 to 35, inclusive, adopted by this section, and are generally described in this chapter.

(Added by Ch. 1109, Stats. 1979.)

Section 30152 Del Norte County

In Del Norte County:

(a) Near the community of Smith River, approximately 225 acres are excluded as specifically shown on map 1.

(b) The Fort Dick, Kings Valley, and Meadowbrook Acres are excluded as specifically shown on maps 2 and 3.

(c) In and near the City of Crescent City, approximately 2,250 acres between Lake Earl Drive and State Highway Route 101 and other partially urbanized areas such as the Bertsch Subdivision, are excluded as specifically shown on maps 2 and 3.

(d) In the City of Crescent City, approximately two acres are excluded as specifically shown on map 2A, dated May 5, 1982, and filed on May 20, 1982, with the Office of the Secretary of State.

(Added by Ch. 1109, Stats. 1979; Amended by Ch. 1470, Stats. 1982.)

Section 30154 Humboldt County

In Humboldt County:

(a) In and near the City of Fortuna, approximately 265 acres seaward of State Highway Route 101 are excluded as specifically shown on map 4.

(b) All of the incorporated land of the City of Ferndale as of January 1, 1979, is excluded as specifically shown on map 4A. The city shall consider work completed pursuant to its local coastal program in the course of preparing or revising its general plan. Notwithstanding any provision of Division 21 (commencing with Section [31000](#)) to the contrary, the State Coastal Conservancy may undertake projects within the city without approval of the commission.

(Added by Ch. 1109, Stats. 1979.)

Section 30156 San Mateo County

In San Mateo County, within the Butano Creek watershed, the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on map 5.

(Added by Ch. 1109, Stats. 1979.)

Section 30156.1 San Mateo County; City of Pacifica

In San Mateo County in the City of Pacifica, approximately 11 acres situated east of State Highway Route 1 and described in Director's Deed DD-028764-01-01 from the Director of Transportation, is included, as specifically shown on map 5.

(Added by Ch. 1109, Stats. 1979; Amended by Ch. 1381, Stats. 1988.)

Section 30158 Santa Cruz County

In Santa Cruz County:

(a) Near the community of Bonny Doon, the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on maps 6 and 7.

(b) In the Watsonville area approximately 40 acres in the southwest portion of the city are excluded as specifically shown on map 8.

(Added by Ch. 1109, Stats. 1979.)

Section 30160 Monterey County

In Monterey County:

(a) In the City of Marina, approximately 400 acres between Del Monte Boulevard and the new alignment of State Highway Route 1 are excluded as specifically shown on map 9.

(b) In the City of Sand City approximately 125 acres landward of a 200-foot buffer along the new alignment of State Highway Route 1 are excluded as specifically shown on map 10; provided, however, a buffer of 100 feet along either side of the railroad right-of-way through the city together with such right-of-way are not excluded.

(c) In the City of Seaside, approximately 29 acres northeast of Laguna del Rey are excluded as specifically shown on map 10; provided, however, a 125-foot buffer along the edge of Laguna Grande, a 100-foot buffer along each side of the channel connecting Roberts Lake and Laguna Grande, and a 100-foot buffer along either side of the railroad right-of-way together with such right-of-way are not excluded.

(d) In the City of Monterey, the downtown area, and the Cannery Row area between Lighthouse Avenue and the extreme edge of the railroad right-of-way, are excluded as specifically shown on map 11; provided, however, that the one block area bounded by Foam Street and Wave Street and Prescott Avenue and Hoffman Avenue, is not excluded.

Notwithstanding any map referenced by Section [30150](#), dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, the inland coastal zone boundary described in this subdivision shall be as prescribed by the amendments to this section made during the second year of the 1979-80 Regular Session of the Legislature.

(e) In the City of Pacific Grove, approximately 300 acres are excluded as specifically shown on map 11; provided, however, that the railroad right-of-way is not excluded.

(f) In the Del Monte Forest, approximately 90 acres known as the Navaho Tract are added as specifically shown on map 11.

(g) In the area between the intersection of the boundary and the easterly line of Section 26, T. 17 S., R. 1 E., M.D.M. and the intersection of the boundary and the northeasterly corner of Section 1, T. 19 S., R.

1 E., M.D.M., and in the vicinity of the head of the Middle Fork of Devil's Canyon and the head of the South Fork of Devil's Canyon the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on maps 12, 13, and 14.

(Added by Ch. 1109, Stats. 1979; Amended by Ch. 170, Stats. 1980.)

Section 30162. Santa Barbara County

In Santa Barbara County:

(a) In Rancho San Julian and generally within the watershed of Jalama Creek, the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on map 16.

(b) In the Devereux Lagoon and Goleta Slough areas, approximately 170 acres are excluded and 245 acres are added as specifically shown on maps 17 and 18; provided, however, that the land areas on which the University of California has proposed a 200 unit housing project are not included.

(Added by Ch. 1109, Stats. 1979.)

Section 30164 Ventura County

In Ventura County:

(a) Near the mouth of the Ventura River, approximately 190 acres are added as specifically shown on map 19.

(b) In the City of San Buenaventura, approximately 240 acres are excluded as specifically shown on map 19.

(c) In the City of Oxnard and a small unincorporated area, approximately 130 acres are excluded and approximately 85 acres are added as specifically shown on map 20.

(d) In the area describes as Section 36, T. 1 N., R. 20 W., S.B.B.L., the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on map 21.

(Added by Ch. 1109, Stats. 1979.)

Section 30166 Los Angeles County

In Los Angeles County.

(a) In three locations within the Santa Monica Mountains, the boundary is moved seaward to the five-mile limit described in Section [30103](#) and as specifically shown on maps 22, 23, and 24.

(b) In the Temescal Canyon watershed in the City of Los Angeles, all lands owned or controlled by the Presbyterian Synod, the University of California, the Los Angeles County Sanitation District, and the Los Angeles Unified School District are added.

(c) In the Cities of Los Angeles and El Segundo the areas east of Vista del Mar that include the Scattergood Steam Plant, the Hyperion Sewage Treatment Plant, and portions of an oil refinery are excluded as specifically shown on map 25. In adopting this boundary change, the Legislature specifically reaffirms the existing location of the coastal zone boundary in the Venice area of the City of Los Angeles.

(d) In the City of Manhattan Beach approximately 140 acres, and in the City of Hermosa Beach approximately 170 acres, are excluded as specifically shown on maps 25 and 26.

(e) In the City of Palos Verdes Estates, approximately 95 acres landward of Paseo del Mar are excluded as specifically shown on map 26.

(f) In the City of Long Beach the area near Colorado Lagoon is excluded as specifically shown on map 27.

(g) In the City of Long Beach, the area commencing at the intersection of the existing coastal zone boundary at Colorado Street and Pacific Coast Highway, thence southerly along Pacific Coast Highway to the intersection of Loynes Drive, thence easterly along Loynes Drive to the intersection of Los Cerritos Channel, thence northerly along Los Cerritos Channel to the existing coastal zone boundary, is excluded as specifically shown on map 27A.

(Added by Ch. 1109, Stats. 1979.)

Section 30166.5 City of Malibu

(a) On or before January 15, 2002, the commission shall submit to the City of Malibu an initial draft of the land use portion of the local coastal program for the City of Malibu portion of the coastal zone, which is specifically delineated on maps 133, 134, 135, and 136, which were placed on file with the Secretary of State on September 14, 1979.

(b) On or before September 15, 2002, the commission shall, after public hearing and consultation with the City of Malibu, adopt a local coastal program for that area within the City of Malibu portion of the coastal zone that is specifically delineated on maps 133, 134, 135, and 136, which have been placed on file with the Secretary of State on March 14, 1977, and March 1, 1987. The local coastal program for the area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for the area. Subsequent to the certification of the local coastal program, the City of Malibu shall immediately assume coastal development permitting authority, pursuant to this division. Notwithstanding the requirements of [Chapter 4.5 \(commencing with Section 65920\) of Division 1 of Title 7 of the Government Code](#), once the City of Malibu assumes coastal development permitting authority pursuant to this section, no application for a coastal development permit shall be deemed approved if the city fails to take timely action to approve or deny the application.

(Added by Ch. 952, Stats. 2000.)

Section 30168 Orange County

In Orange County:

(a) In the City of Huntington Beach, approximately 9.5 acres are added as specifically shown on map 28.

(b) In the City of Costa Mesa, approximately 15 acres are excluded as specifically shown on map 28.

(c) In the City of Newport Beach, approximately 22.6 acres adjacent to Pacific Coast Highway are added as specifically shown on map 28; provided, however, that the area described in this subdivision shall be excluded from the coastal zone, if the Department of Transportation, within one year from the effective date of this act, enters into an agreement for use of this area for hospital-related purposes.

(d) In the Niguel Hill area, the developed portions of Pacific Island Village are excluded as specifically shown on map 29.

(e) In the communities of Dana Point and Laguna Niguel, approximately 450 acres inland of the Pacific Coast Highway are excluded as specifically shown on map 29A.

(f) In the community of Capistrano Beach, approximately 381 acres seaward of the San Diego Freeway are excluded as specifically shown on map 29A.

(g) In the City of San Clemente, approximately 230 acres inland seaward of the San Diego Freeway are added as specifically shown on map 29B, dated September 1, 1981, and filed on September 1, 1981, with the Office of the Secretary of State.

(h) In the City of San Clemente, approximately 214 acres inland and seaward of the San Diego Freeway are excluded as specifically shown on maps 29A and 30.

(Added by Ch. 1109, Stats. 1979; Amended by Ch. 43, Stats. 1982.)

Section 30169 Aliso Viejo area of Orange County

(a) The Legislature hereby finds and declares that a dispute exists as to the proper location of the inland boundary of the coastal zone in the area commonly known as Aliso Viejo and that, after extensive review of the history of this boundary segment, the criteria utilized to establish the boundary in 1976, and the relevant topographical information, it is possible to reach differing conclusions of equal validity regarding the proper location of the coastal zone boundary. The Legislature further finds that it is not possible to determine objectively which ridgeline feature in the Aliso Viejo area most closely approximates the boundary criteria utilized by the Legislature in 1976, and that it is in the best public interest to resolve the current boundary dispute in order to avoid further delay in the completion of the local coastal program for Orange County. The Legislature further finds that a timely solution of this boundary dispute can best be accomplished by adjusting the coastal zone boundary in the manner set forth in this section and within the general framework of Section [30103](#) and consistent with the need to protect the coastal resources of the Aliso Viejo area and to carry out the requirements of Section [30213](#).

(b) In the Aliso Creek area of Orange County approximately 286 acres are added and approximately 1,020 acres are excluded as specifically shown on maps 28A and 28B dated April 15, 1980, and filed on April 22, 1980, with the office of the Secretary of State and which are on file in the office of the commission. The maps are hereby adopted by reference. The changes made in the inland boundary of the coastal zone by this section are in addition to any changes made by any map referred to in Section [30150](#), except to the extent that the changes made by this section affect a segment of the boundary previously changed by the map, in which case the changes made by this section shall supersede any of those previous changes.

(c) The executive director of the commission may adjust the precise location of the inland boundary of the coastal zone not more than 100 yards in either a seaward or landward direction in order to conform the precise boundary location to the specific limits of development adjacent to the coastal zone boundary as shown on maps 28A and 28B. However, in any subdivided area, the executive director may adjust the precise location of the inland boundary of the coastal zone not more than 100 feet in a landward direction in order to include any development of the first row of lots immediately adjacent to the boundary as shown on those maps, where the executive director determines that the adjustment is necessary to ensure that adequate controls will be applied to the development in order to minimize any potential adverse effects on the coastal zone resources. The executive director shall prepare a detailed map showing any of the changes and shall file a copy of the map with the county clerk.

(d) Prior to the adoption and approval of a drainage control plan by the County of Orange for the Aliso Viejo Planned Community (as designated by Amendment No. L.U. 79-1 to the Land Use Element of the Orange County General Plan), the county shall consult with the executive director of the commission to ensure that any drainage control facilities located outside the coastal zone are adequate to provide for no increase in peak runoff, by virtue of the development of the Aliso Viejo Planned Community, which would result in adverse impacts on coastal zone resources.

(e) On or before January 31, 1981, the commission shall, after public hearing and in consultation with the County of Orange, certify or reject a local coastal program segment prepared and submitted by the county on or before August 1, 1980, for the following parcel in the Aliso Creek area: land owned by the Aliso Viejo Company, a California corporation, as of April 22, 1980, within the coastal zone as amended by this section. The local coastal program required by this subdivision shall, for all purposes of this division, constitute a certified local coastal program segment for that parcel in the County of Orange. The segment of the county's local coastal program for the parcel may be amended pursuant to this division relating to the amendment of local coastal programs. If the commission neither certifies nor rejects the submitted local coastal program within the time limit specified in this subdivision, the land added to the coastal zone by this section shall no longer be subject to this division. It is the intent of the Legislature in enacting this subdivision, that a procedure to expedite the preparation and adoption of a local coastal program for that land be established so that the public and the affected property owner know as soon as possible what uses are permissible.

(f) The commission, through its executive director, shall enter into a binding and enforceable agreement with Aliso Viejo Company, and the agreement shall be recorded as a covenant to run with the land with no prior liens other than tax and assessment liens restricting the Aliso Viejo Planned Community. The agreement shall provide for all of the following:

(1) The Aliso Viejo Company shall provide at least 1,000 units of for-sale housing to moderate-income persons at prices affordable to a range of households earning from 81 to 120 percent of the median income for Orange County as adjusted for family size pursuant to the commission's housing guidelines on affordable housing dated January 22, 1980, and July 16, 1979, and such any additional provisions as agreed to between the commission and the Aliso Viejo Company as referred to in this subdivision.

For purposes of this subdivision, median income constitutes the figure most recently established by the Department of Housing and Urban Development at the time the public report for the units, or any portion thereof, is issued by the Bureau of Real Estate. The affordable units required by this subdivision shall be priced equally over the moderate-income range and shall reflect a reasonable mix as to size and number of bedrooms.

(2) The 1,000 units provided pursuant to this subdivision shall be sold subject to controls on resale substantially as provided in the commission's housing guidelines on affordable housing, dated January 22, 1980, and July 16, 1979, and any additional provisions as agreed to between the commission and the Aliso Viejo Company as referred to in this subdivision. On or before entering the agreement provided for herein, the Aliso Viejo Company shall enter into an agreement, approved by the executive director of the commission, with the Orange County Housing Authority or any other appropriate housing agency acceptable to the executive director of the commission to provide for the administration of the resale controls including the qualification of purchasers.

(3) The 1,000 units provided pursuant to this subdivision may be dispersed throughout the Aliso Viejo Planned Community, and shall be completed and offered for sale prior to, or simultaneously with, other units in the overall project, so that at any time at least 7 1/2 percent of the units constructed shall be resale-controlled until the 1,000 units are completed.

(4) The Department of Housing and Community Development and the County of Orange shall be third party beneficiaries to the agreement provided in this subdivision and shall have the power to enforce any and all provision of the agreement.

(5) This agreement may only be amended upon the determination of the Aliso Viejo Company or its successors or assigns, the commission, the Department of Housing and Community Development, and the County of Orange that the change is necessary in order to prevent adverse effects on the supply of low- and

moderate-income housing opportunities and to improve the methods of providing the housing at continually affordable prices.

The Legislature hereby finds and declares that, because the Aliso Viejo Company, in addition to the 1,000 units of controlled housing provided in this subdivision, will provide for 2,000 units of subsidized affordable housing for low income persons and 2,000 affordable housing units for moderate income persons pursuant to the company's housing program, the purposes of Section [30213](#) will be met by enactment of this subdivision. The Legislature further finds and declares that the general provisions of this subdivision are specifically described and set forth in letters by Aliso Viejo Company and the executive director of the commission published in the Journals of the Senate and the Assembly of the 1979-80 Regular Session, and it is the intent of the Legislature that the commission and Aliso Viejo Company conform the agreement provided in this subdivision to the specific provisions described in the letters.

(g) Notwithstanding any other provision of law, the application of this division by the commission to the development or use of any infrastructure necessary and appropriate to serve development within the portions of the Aliso Viejo Planned Community located inland of the coastal zone as amended by this section, shall be strictly limited to addressing direct impacts on coastal zone resources and shall be carried out in a manner that assures that the infrastructure will be provided. Furthermore, the commission shall amend without conditions its prior permit No. A-61-76 to provide for its release of sewer outfall flow limitations necessary and appropriate to serve the Aliso Viejo Planned Community located inland of the coastal zone as amended by this subdivision. For purposes of this subdivision, "infrastructure" means those facilities and improvements necessary and appropriate to develop, construct, and serve urban communities, including but not limited to, streets, roads, and highways; transportation systems and facilities; schools; parks; water and sewage systems and facilities; electric, gas, and communications system and facilities; and drainage and flood control systems and facilities. Notwithstanding this subdivision, the commission may limit, or reasonably condition, the use of the transit corridor in Aliso Creek Valley to transit uses, uses approved by the commission that serve the Aliso Greenbelt Project prepared by the State Coastal Conservancy, the provision of access to and from the sewage treatment works in Aliso Creek Valley, emergency uses, and drainage and flood control systems and facilities and other services approved pursuant to this subdivision.

(h) This section shall become operative only when the commission and Aliso Viejo Company have entered into the binding and enforceable agreement provided for in this section, and the agreement has been duly recorded with the county recorder of Orange County.

(Added by Ch. 170, Stats. 1980; Amended by Ch. 714, Stats. 1981; Ch. 352, Stats. 2013.)

Section 30170 San Diego County

In San Diego County:

(a) In the City of Oceanside, approximately 500 acres are excluded as specifically shown on maps 30A and 31.

(b) In the City of Carlsbad, approximately 180 acres in the downtown area, except for the Elm Street corridor, are excluded as specifically shown on map 31.

(c) In the City of Carlsbad, the area lying north of the Palomar Airport as generally shown on maps 31 and 32 and as specifically described in this subdivision is excluded.

Those portions of lots "F" and "G" of Rancho Agua Hedionda, part in the City of Carlsbad and part in the unincorporated area of the County of San Diego, State of California, according to the partition map thereof No. 823, filed in the office of the county recorder of that county, November 16, 1896, described as follows:

Commencing at point 1 of said lot "F" as shown on said map; thence along the boundary line of said lot "F" south 25 33'56" east, 229.00 feet to point 23 of said lot "F" and south 54 40'19" east, 1347.00 feet; thence leaving said boundary line south 35 19'44" west, 41.28 feet to the true point of beginning, which point is the true point of beginning, of the land described in deed to Japatul Corporation recorded December 8, 1975, at recorder's file/page No. 345107 of official records to said county; thence along the boundary line of said land south 35 19'44" west, 2216.46 feet and north 53 02'49" west, 1214.69 feet to the northeast corner of the land described in deed to Japatul Corporation recorded December 8, 1975, at recorder's file/page no. 345103 of said official records; thence along the boundary lines of said land as follows: West, 1550 feet, more or less, to the boundary of said lot "F"; south 00 12'00" west, 550 feet, more or less, to point 5 of said lot "F"; south 10 25'00" east along a straight line between said point 5 and point 14 of said lot "F", to point 14 of said lot "F": thence along the boundary of said lot "F" south 52 15'45" east (record south 51 00'00" east) 1860.74 feet more or less to the most westerly corner of the land conveyed to James L. Hieatt, et ux, by deed recorded June 11, 1913, in Book 617, page 54 of deed, records of said county; thence along the northwesterly and northeasterly boundary of Hieatt's land as follows: North 25 00'00" east, 594.00 feet and south 52 15'45" east (record south 51 00'00" east per deed) 1348.61 feet to a point of intersection with the northerly line of Palomar County Airport, said point being on the boundary of the land conveyed to Japatul Corporation by deed recorded December 8, 1975, at recorder's file/page No. 345107 of said official records; thence along said boundary as follows: North 79 10'00" east, 4052.22 feet north 10 50'00" west, 500.00 feet; north 79 10'00" east 262.00 feet, south 10 50'00" east, 500.00 feet; north 79 10'00" east, 1005 feet, more or less, to the westerly line of the land conveyed to the County of San Diego by deed recorded May 28, 1970, at recorder's file/page No. 93075 of said official records; thence continuing along the boundary of last said Japatul Corporation's land north 38 42'44" west, 2510.58 feet to the beginning of a tangent 1845.00 foot radius curve concave northeasterly; along the arc of said curve through a central angle of 14 25'52" a distance of 464.70 feet to a point of the southerly boundary of the land allotted to Thalia Kelly Considine, et al, by partial final judgment in partition, recorded January 1, 1963, at recorder's file/page No. 11643 of said official records; thence continuing along last said Japatul Corporation's land south 67 50'28" west, 1392.80 feet north 33 08'52" west, 915.12 feet and north 00 30'53" west, 1290.37 feet to the southerly line of said land conveyed to the County of San Diego, being also the northerly line of last said Japatul Corporation's land; thence along said common line north 74 57'25" west, 427.67 feet to the beginning of a tangent 2045.00 foot radius curve concave northerly; and westerly along the arc of said curve through a central angel of 16 59'24", a distance of 606.41 feet to the true point of beginning.

And those properties known as assessors parcel Nos. 212-020-08, 212-020-22, and 212-020-23.

Excepting therefrom that portion, if any, conveyed to the County of San Diego, by quitclaim deed recorded January 12, 1977, at recorder's file/page No. 012820 of said official records.

No development may occur in the area described in this subdivision until a plan for drainage of the parcel to be developed has been approved by the local government having jurisdiction over the area after consultation with the commission and the Department of Fish and Game. The plan shall assure that no detrimental increase occurs in runoff of water from the parcel to be developed and shall require that the facilities necessary to implement the plan are installed as part of the development.

(d) In the City of Carlsbad and adjacent unincorporated areas, approximately 600 acres consisting of the Palomar Airport and an adjoining industrial park are excluded as specifically shown on maps 31 and 32.

(e) An area consisting of approximately 333 acres lying west and south of the Palomar Airport and bounded on the south by Palomar Airport Road is excluded as specifically shown on maps 31 and 32.

No development may occur in the area described in this subdivision until a plan for drainage of the parcel to be developed has been approved by the local government having jurisdiction over the area after consultation with the commission and the Department of Fish and Game. The plan shall assure that no

detrimental increase occurs in runoff of water from the parcel to be developed and shall require that the facilities necessary to implement the plan are installed as part of the development.

(f) On or before October 1, 1980, the commission shall, after public hearing and in consultation with the City of Carlsbad, prepare, approve, and adopt a local coastal program for the following parcels in the vicinity of Batiquitos Lagoon within the City of Carlsbad: lands owned by Rancho La Costa, a registered limited partnership, lands (consisting of approximately 80 acres) owned by Standard Pacific of San Diego, Inc., that were conveyed by Rancho La Costa on October 8, 1977, and lands owned by the Occidental Petroleum Company. Such parcels shall be determined by ownership as of September 12, 1979. As used in this subdivision, "parcels" means the parcels identified in this paragraph. The local coastal program required by this subdivision shall include all of the following elements:

- (1) Protection of agricultural lands and uses to the extent feasible.
- (2) Minimization of adverse impacts from sedimentation.
- (3) Protection of feasible public recreational opportunities.
- (4) Provision for economically feasible development consistent with the three elements specified in this subdivision.

The local coastal program required by this subdivision shall, after adoption by the commission, be deemed certified and shall for all purposes of this division constitute certified local coastal program segments for those parcels in the City of Carlsbad. The segments of the city's local coastal program for those parcels may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs. In addition, until such time as (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such local coastal program, or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local coastal program for those parcels, the local coastal program required by this subdivision may also be amended by the commission at the request of the owner of any of those parcels. For administrative purposes, the commission may group these requests in order to schedule them for consideration at a single commission hearing; provided, however, that the commission shall schedule these requests for consideration at least once during each four-month period, beginning January 1, 1982. After either of these events occur, however, these property owners shall no longer be eligible to request the commission to amend the local coastal program.

If the commission fails to adopt such local coastal program within the time limits specified in this subdivision, those parcels shall be excluded from the coastal zone and shall no longer be subject to the provisions of this division. It is the intent of the Legislature in enacting this subdivision that a procedure to expedite the preparation and adoption of a local coastal program for those parcels be established so that the public and affected property owners know as soon as possible what the permissible uses of such lands are.

(g) In the vicinity of the intersection of Del Mar Heights Road and the San Diego Freeway, approximately 250 acres are excluded as specifically shown on map 33.

(h) In the vicinity of the intersection of Carmel Valley Road and the San Diego Freeway, approximately 45 acres are added as specifically shown on map 33.

In the City of San Diego, the Carmel Valley area consisting of approximately 1,400 acres as shown on map 33 which has been placed on file with the Secretary of State on January 23, 1980, shall be excluded from the coastal zone after the City of San Diego submits, and the commission certifies, a drainage plan and a transportation plan for the area. The city shall implement and enforce the certified drainage and transportation plans. Any amendments or changes to the underlying land use plan for the area that affects drainage, or to either the certified drainage or transportation plan, shall be reviewed and processed in the same manner as an amendment of a certified local coastal program pursuant to Section [30514](#). Any land use not in conformance with the certified drainage and transportation plans may be appealed to the commission pursuant to the appeals procedure as provided by Chapter 7 (commencing with Section [30600](#)). The drainage plan and any amendments thereto shall be prepared after consultation with the Department of

Fish and Game and shall ensure that problems resulting from water runoff, sedimentation, and siltation are adequately identified and resolved.

(i) Near the head of the south branch of Los Peñasquitos Canyon, the boundary is moved seaward to the five-mile limit as described in Section [30103](#) and as specifically shown on map 33.

(j) In the City of San Diego, approximately 1,855 acres known as the Mount Soledad and La Jolla Mesa areas are added as specifically shown on map 34; provided however, that on or before February 29, 1980, and pursuant to either subdivision (d) of Section [30610](#) or Section [30610.5](#), the commission shall exclude from coastal development permit requirements any single family residence within the area specified in this subdivision. No coastal development permit shall be required for any improvement, maintenance activity, relocation, or reasonable expansion of any commercial radio or television transmission facilities within the area specified in this subdivision unless any such proposed activity could result in a significant change in the density or intensity of use in such area or could have a significant adverse impact on highly scenic resources of public importance; provided, however, that no prior review by the commission of any such activity shall be required.

(k) In the City of San Diego, approximately 30 acres known as the Famosa Slough is added as specifically shown on maps 34 and 35.

(Added by Ch. 1109, Stats. 1979; Amended by: Ch. 1360, Stats. 1980; Ch. 43, Stats. 1982.)

Section 30170.6 San Diego County; Peñasquitos Canyon

Notwithstanding Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, any map dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, or any provision of Section [30170](#), the inland boundary of the coastal zone in a portion of San Diego County, of approximately 95 acres in Peñasquitos Canyon, is hereby amended as indicated by revised map number 33, dated March 21, 1980, and filed on March 21, 1980, with the office of the Secretary of State; provided, that the City of San Diego first submits and the commission approves a drainage plan for the area providing for drainage in connection with the extension of Mira Mesa Boulevard to Interstate Highway 805 sufficient to assure that no detrimental increase in runoff of water into Carroll Canyon occurs as a result of construction of Mira Mesa Boulevard.

(Added by Ch. 631, Stats. 1980.)

Section 30170.7 (Repealed by Ch. 160, Stats. 1988.)

Section 30171 City of Carlsbad; submission and adoption or failure to adopt local coastal program; amendment of program

(a) On or before October 1, 1980, the commission shall submit to the City of Carlsbad an initial draft of the land use portion of the local coastal program for the area specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980.

(b) On or before July 1, 1981, the commission shall, after public hearing and consultation with the City of Carlsbad, adopt a local coastal program for that area within the City of Carlsbad which is specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980. The local coastal program for such area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for such area. The local coastal program for such area may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs. In addition, until such time as (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such coastal program or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local

coastal program for that area, the local coastal program required by this subdivision may also be amended by the commission at the request of any owner of property located within the area. For administrative purposes, the commission may group these requests in order to schedule them for consideration at a single commission hearing; provided, however, that the commission shall schedule these requests for consideration at least once during each four-month period, beginning January 1, 1982. After either of these events occur, however, these property owners shall no longer be eligible to request the commission to amend the local coastal program.

(c) If the commission fails to adopt such local coastal program within the time limits specified in this subdivision, such area shall be excluded from the coastal zone and shall no longer be subject to the provisions of this division. It is the intent of the Legislature, in enacting this section, that a procedure to expedite the preparation and adoption of a local coastal program in this specified area be established so that the public and affected property owners know as soon as possible what the permissible uses of such lands are.

(d) This section is not intended and shall not be construed as authorizing any modification, extension, or alteration in any deadline or other provisions of any contract between the commission or any regional coastal commission and any person, business, or corporation with respect to planning services for the area delineated on maps 154 and 155.

(Added by Ch. 170, Stats. 1980; Amended by Ch. 43, Stats. 1982.)

Section 30171.2 City of Carlsbad; local coastal program; agricultural conversion fees; priorities; reimbursements; claims; appropriation

(a) Except as provided in subdivision (b), on and after January 1, 1985, no agricultural conversion fees may be levied or collected under the agricultural subsidy program provided in the local coastal program of the City of Carlsbad which was adopted and certified pursuant to Section [30171](#). All other provisions of that program shall continue to be operative, including the right to develop designated areas as provided in the program.

(b) This section shall not affect any right or obligation under any agreement or contract entered into prior to January 1, 1985, pursuant to that agricultural subsidy program, including the payment of any fees and the right of development in accordance with the provisions of any such agreement or contract. As to these properties, the agricultural subsidy fees in existence as of December 31, 1984, shall be paid and allocated within the City of Carlsbad, or on projects outside the city which benefit agricultural programs within the city, in accordance with the provisions of the agricultural subsidy program as it existed on September 30, 1984.

(c) Any agricultural conversion fees collected pursuant to the agricultural subsidy program and not deposited in the agricultural improvement fund in accordance with the local coastal program or which have not been expended in the form of agricultural subsidies assigned to landowners by the local coastal program land use policy plan on January 1, 1985, shall be used by the California Victim Compensation and Government Claims Board to reimburse the party which paid the fees if no agreements or contracts have been entered into or to the original parties to the agreements or contracts referred to in subdivision (b) in proportion to the amount of fees paid by the parties. However, if the property subject to the fee was under option at the time that the original agreement or contract was entered into and the optionee was a party to the agricultural subsidy agreement, payments allocable to that property shall be paid to the optionee in the event the optionee has exercised the option. Reimbursement under this section shall be paid with 90 days after January 1, 1985, or payment of the fee, whichever occurs later, and only after waiver by the party being reimbursed of any potential legal rights resulting from enactment of this section.

(d)(1) Any person entitled to reimbursement of fees under subdivision (c) shall file a claim with the California Victim Compensation and Government Claims Board which shall determine the validity of the claim and pay that person a pro rata share based on the relative amounts of fees paid under the local coastal program or any agreement or contract entered pursuant thereto.

(2) There is hereby appropriated to the California Victim Compensation and Government Claims Board the fees referred to in subdivision (c), for the purpose of making refunds under this section.

(e) Notwithstanding any geographical limitation contained in this division, funds deposited pursuant to subdivision (b) may be expended for physical or institutional development improvements needed to facilitate long-term agricultural production within the City of Carlsbad. These funds may be used to construct improvements outside the coastal zone boundaries in San Diego County if the improvements are not inconsistent with the Carlsbad local coastal program and the State Coastal Conservancy determines that the improvements will benefit agricultural production within the coastal zone of the City of Carlsbad.

(Added by Ch. 1388, Stats. 1984; Amended by Ch. 402, Stats. 1988; Amended by Ch. 538, Stats. 2006.)

Section 30171.5 City of Carlsbad; local coastal program; mitigation fee for development on non-prime agricultural lands; priorities

(a) The amount of the mitigation fee for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in subdivision (f) of Section [30170](#) and subdivision (b) of Section [30171](#) shall be determined in the applicable segment of the local coastal program of the City of Carlsbad, but shall not be less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund.

(b) All mitigation fees collected pursuant to this section are hereby appropriated to, and shall be expended by, the State Coastal Conservancy in the following order of priority:

- (1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.
- (2) Development of an interpretive center at Buena Vista Lagoon.
- (3) Provision of access to public beaches in the City of Carlsbad.
- (4) Any other project or activity benefiting or enhancing the use of natural resources, including open field cultivated floriculture, in the coastal zone in the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.

(c) The State Coastal Conservancy may establish a special account in the State Coastal Conservancy Fund and deposit mitigation fees collected pursuant to this section in the special account. Any interest accruing on that money in the special account shall be expended pursuant to subdivision (b).

(d) Not less than 50 percent of collected and bonded mitigation fees shall be expended for the purpose specified in paragraph (1) of subdivision (b).

(e) Other than to mitigate the agricultural conversion impacts for which they are collected, none of the mitigation fees collected pursuant to this section shall be used for elements of a project which cause that project to be in compliance with this division or to mitigate a project which would otherwise be inconsistent with this division. When reviewing a potential project for consistency with this subdivision, the State Coastal Conservancy shall consult with the commission.

(Added by Ch. 1388, Stats. 1984; Amended by: Ch. 480, Stats. 1987; Ch. 513, Stats. 1996.)

Section 30172 Exclusion from coastal zone in San Diego County

In the San Diego County, an area consisting of approximately 180 acres lying west and south of Palomar Airport as shown on map 155, which has been placed on file with the Secretary of State on April 22, 1980, shall be excluded from the coastal zone after the City Engineer of the City of Carlsbad approves and the commission certifies a drainage plan for the area, pursuant to the commission's interim permit authority, which plan the city shall implement and enforce.

(Added by Ch. 170, Stats. 1980.)

Section 30174 Coastal zone in San Diego County; amendment of inland boundary

Notwithstanding the maps adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone, as shown on detailed coastal map 157 adopted by the commission on March 1, 1977, shall be amended to conform to the inland boundary shown on map A which is hereby adopted by reference and which shall be filed in the office of the Secretary of State and the commission on the date of enactment of this section.

The areas deleted and added to the coastal zone which are specifically shown on map A are in the County of San Diego and are generally described as follows:

(a) In the vicinity of the intersection of Del Mar Heights Road and the San Diego Freeway, approximately 250 acres are excluded as specifically shown on map A.

(b) In the vicinity of the intersection of Carmel Valley Road and the San Diego Freeway, approximately 45 acres are added as specifically shown on map A.

(c) Near the head of the south branch of Los Peñasquitos Canyon, the boundary is moved seaward to the five-mile limit as described in Section [30103](#) and as specifically shown on map A.

(Added by Ch. 1128, Stats. 1979.)

Section 30176 (Repealed by Ch. 226, Stats. 1991.)

**CHAPTER 3
COASTAL RESOURCES PLANNING AND
MANAGEMENT POLICIES**

**ARTICLE 1
GENERAL**

Section

[30200](#) Policies as standards; resolution of policy conflicts

**ARTICLE 2
PUBLIC ACCESS**

Section

[30210](#) Access; recreational opportunities; posting
[30211](#) Development not to interfere with access
[30212](#) New development projects
[30212.5](#) Public facilities; distribution
[30213](#) Lower cost visitor and recreational facilities; encouragement and provision, overnight room rentals
[30214](#) Implementation of public access policies; legislative intent

**ARTICLE 3
RECREATION**

Section

[30220](#) Protection of certain water-oriented activities
[30221](#) Oceanfront land; protection for recreational use and development
[30222](#) Private lands; priority of development purposes
[30222.5](#) Oceanfront land; aquaculture facilities; priority
[30223](#) Upland areas
[30224](#) Recreational boating use; encouragement; facilities

**ARTICLE 4
MARINE ENVIRONMENT**

Section

[30230](#) Marine resources; maintenance
[30231](#) Biological productivity; waste water
[30232](#) Oil and hazardous substance spills
[30233](#) Diking, filling or dredging continued movement of sediment and nutrients
[30234](#) Commercial fishing and recreational boating facilities
[30234.5](#) Economic, commercial, and recreational importance of fishing
[30235](#) Construction altering natural shoreline
[30236](#) Water supply and flood control
[30237](#) (***REPEALED***)

**ARTICLE 5
LAND RESOURCES**

Section

- [30240](#) Environmentally sensitive habitat areas; adjacent developments
- [30241](#) Prime agricultural land; maintenance in agricultural production
- [30241.5](#) Agricultural lands; determination of viability of uses; economic feasibility evaluation
- [30242](#) Lands suitable for agricultural use; conversion
- [30243](#) Productivity of soils and timberlands; conversions
- [30244](#) Archaeological or paleontological resources

**ARTICLE 6
DEVELOPMENT**

Section

- [30250](#) Location, existing developed areas
- [30251](#) Scenic and visual qualities
- [30252](#) Maintenance and enhancement of public areas
- [30253](#) Minimization of adverse impacts
- [30254](#) Public works facilities
- [30254.5](#) Terms or conditions on sewage treatment plant development; prohibition
- [30255](#) Priority of coastal-dependent developments

**ARTICLE 7
INDUSTRIAL DEVELOPMENT**

Section

- [30260](#) Location or expansion
- [30261](#) Tanker facilities; use and design
- [30262](#) Oil and gas development
- [30263](#) Refineries or petrochemical facilities
- [30264](#) Thermal electric generating plants
- [30265](#) Legislative findings and declarations; offshore oil transportation
- [30265.5](#) Governor or designee; coordination of activities concerning offshore oil transport and refining; duties

ARTICLE 1 GENERAL

Section 30200 Policies as standards; resolution of policy conflicts

(a) Consistent with the coastal zone values cited in Section [30001](#) and the basic goals set forth in Section [30001.5](#), and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section [30500](#)), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section [30007.5](#) shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

(Amended by Ch. 43, Stats. 1982.)

ARTICLE 2 PUBLIC ACCESS

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.

(Amended by Ch. 1075, Stats. 1978.)

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](#).

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 744, Stats. 1983.)

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(Amended by: Ch. 1191, Stats. 1979; Ch. 1087, Stats. 1980; Ch. 1007, Stats. 1981; Ch. 285, Stats. 1991.)

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.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

ARTICLE 3 RECREATION

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.

(Amended by Ch. 380, Stats. 1978.)

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.

(Added by Ch. 1486, Stats. 1982.)

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.

ARTICLE 4 MARINE ENVIRONMENT

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 Oil and hazardous substance spills

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

(Amended by: Ch. 673, Stats. 1978; Ch. 43, Stats. 1982; Ch. 1167, Stats. 1982; Ch. 454, Stats. 1983; Ch. 294, Stats. 2006.)

Section 30234 Commercial fishing and recreational boating facilities

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5 Economic, commercial, and recreational importance of fishing

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

(Added by Ch. 802, Stats. 1991.)

Section 30235 Construction altering natural shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30237 (Repealed by Ch. 286, Stats. 2004.)

ARTICLE 5 LAND 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.

(Amended by Ch. 285, Stats. 1991.)

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section [30250](#).

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

(Amended by: Ch. 1066, Stats. 1981; Ch. 43, Stats. 1982.)

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section [30241](#) as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

(Added by Ch. 259, Stats. 1984.)

Section 30242 Lands suitable for agricultural use; conversion

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section [30250](#). Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30243 Productivity of soils and timberlands; conversions

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

**ARTICLE 6
DEVELOPMENT**

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing

developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

(Amended by Ch. 179, Stats. 2008)

Section 30254 Public works facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided,

however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections [30254](#) and [30412](#).

(Added by Ch. 978, Stats. 1984.)

Section 30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

(Amended by Ch. 1090, Stats. 1979.)

ARTICLE 7 INDUSTRIAL DEVELOPMENT

Section 30260 Location or expansion

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections [30261](#) and [30262](#) if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Section 30261 Tanker facilities; use and design

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(Amended by: Ch. 855, Stats. 1977; Ch. 182, Stats. 1987.)

Section 30262 Oil and gas development

a) Oil and gas development shall be permitted in accordance with Section [30260](#), if the following conditions are met:

(1) The development is performed safely and consistent with the geologic conditions of the well site.

(2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.

(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.

(C) The following guidelines shall be used when applying subparagraphs (A) and (B):

(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:

(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.

(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.

(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.

(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to [Section 30624](#).

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

(Amended by Ch. 420, Stats. 2003)

Section 30263 Refineries or petrochemical facilities

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

(Amended by Ch. 535, Stats. 1991)

Section 30264 Thermal electric generating plants

Notwithstanding any other provision of this division, except subdivisions (b) and (c) of [Section 30413](#), new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of [Section 25516.1](#) than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of [Section 25516](#).

Section 30265 Legislative findings and declarations; offshore oil transportation

The Legislature finds and declares all of the following:

- (a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.
- (b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refiners.
- (c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.
- (d) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.
- (e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.

(Added by Ch. 1398, Stats. 1984; amended by Ch. 294, Stats. 2006.)

Section 30265.5 Governor or designee; coordination of activities concerning offshore oil transport and refining; duties

- (a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designees.
- (b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the State.
- (c) The Governor, or the Governor's designee, shall consult with any individual or organization having knowledge in this area, including, but not limited to, representatives from the following:
 - (1) State Energy Resources Conservation and Development Commission
 - (2) State Air Resources Board
 - (3) California Coastal Commission
 - (4) Department of Fish and Game
 - (5) State Lands Commission
 - (6) Public Utilities Commission
 - (7) Santa Barbara County
 - (8) Santa Barbara County Air Pollution Control District
 - (9) Southern California Association of Governments
 - (10) South Coast Air Quality Management Districts
 - (11) Oil industry
 - (12) Public interest groups
 - (13) United States Department of the Interior
 - (14) United States Department of Energy
 - (15) United States Environmental Protection Agency

- (16) National Oceanic and Atmospheric Administration
- (17) United States Coast Guard

(d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.

(Added by Ch. 1398, Stats. 1984.)

**CHAPTER 4
CREATION, MEMBERSHIP, AND POWERS OF
COMMISSION AND REGIONAL
COMMISSIONS**

**ARTICLE 1
CREATION, MEMBERSHIP OF COMMISSION AND
REGIONAL COMMISSION**

Section

30300	Creation
30301	Membership
30301.2	Appointments; methods
30301.5	Nonvoting members; designees of nonvoting members
30302	<i>(REPEALED)</i>
30303	<i>(REPEALED)</i>
30304	Alternate members; appointments
30304.5	<i>(REPEALED)</i>
30305	Succession to powers, duties, or legal interests of regional coastal commissions

**ARTICLE 2
QUALIFICATIONS AND ORGANIZATION**

Section

30310	Appointments; reflection of economic, social, and geographic diversity
30310.5	<i>(REPEALED)</i>
30311	<i>(REPEALED)</i>
30312	Terms of office; vacancies; appointments
30313	Vacancies; notification of expected vacancies
30314	Compensation; expenses
30315	Meetings; quorum
30315.1	Findings; majority vote; quorum
30315.5	Meeting Notices
30316	Chairperson and vice chairperson
30317	Headquarters; statewide powers; regional offices
30318	Conflicts of interest
30319	Development permit application; disclosure of representatives; punishment
30319.5	Denial of permit; subsequent applications; time

**ARTICLE 2.5
FAIRNESS AND DUE PROCESS**

Section

30320	Findings and declarations
30321	Jurisdiction of commission
30322	Ex parte communications
30323	Interested person
30324	Ex parte communication, disclosure; form
30325	Commission proceedings; testimony; written comments
30326	Commission workshops; requests
30327	Commission decision; influence; unreported ex parte communication; civil fine; attorneys' fees and costs
30327.5	Interested person; gift or gratuity
30327.6	Violations; civil fines and penalties
30328	Violations; remedies
30329	Applicable law

**ARTICLE 3
POWERS AND DUTIES**

Section

30330	Responsibility for implementation; coastal zone planning and management agency; certificates of conformity; San Francisco Bay Conservation and Development Commission
30331	Successor to California Coastal Zone Conservation Commission and regional commissions
30333	Rules and regulations
30333.1	Review of regulations and procedures
30333.2	Adoption and duration of building standards
30333.5	(REPEALED)
30334	Powers
30334.5	Application for and acceptance of grants, contributions
30335	Executive director; employees
30335.1	Employees to give procedural assistance
30335.5	Scientific panels; establishment to give technical advice and recommendations to commission
30336	Planning and regulatory assistance to local governments
30337	Joint development application system; hearing procedures
30338	Regulations for timing of review of proposed treatment works
30339	Duties, generally
30340	Management and budgeting of funds
30340.5	Local coastal programs; use of federal funds; reimbursement of local governments; claims; forms; review
30340.6	Local coastal programs; legislative intent; mandated costs to be paid with state or federal funds; failure of appropriations; postponement of obligations; exception
30341	Additional plans and maps; studies
30342	(REPEALED)

[30343](#) (*REPEALED*)
[30344](#) Guide to coastal resources; components; purpose; production; distribution

ARTICLE 4
LOCAL COASTAL PROGRAM
IMPLEMENTATION COSTS

Section

[30350](#) State policy; claims; intent
[30351](#) Local coastal program implementation grants; purpose; procedures
[30352](#) Reimbursement of costs; claims
[30353](#) Reimbursable costs; criteria
[30354](#) Review and evaluation of claims; submission to controller; recommendations; determination
[30355](#) Certified local coastal program

ARTICLE I
CREATION, MEMBERSHIP OF COMMISSION AND
REGIONAL COMMISSION

Section 30300 Creation

There is in the Resources Agency the California Coastal Commission.

(Amended by: Ch. 676, Stats. 1980; Ch. 1173, Stats. 1981.)

Section 30301 Membership

The commission shall consist of the following 15 members:

- (a) The Secretary of the Natural Resources Agency.
- (b) The Secretary of Transportation.
- (c) The Chairperson of the State Lands Commission.

(d) Six representatives of the public from the state at large. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint two of these members.

(e) Six representatives selected from six coastal regions. The Governor shall select one member from the north coast region and one member from the south central coast region. The Speaker of the Assembly shall select one member from the central coast region and one member from the San Diego coast region. The Senate Committee on Rules shall select one member from the north central coast region and one member from the south coast region. For purposes of this division, these regions are defined as follows:

- (1) The north coast region consists of the Counties of Del Norte, Humboldt, and Mendocino.
- (2) The north central coast region consists of the Counties of Sonoma and Marin and the City and County of San Francisco.
- (3) The central coast region consists of the Counties of San Mateo, Santa Cruz, and Monterey.
- (4) The south central coast region consists of the Counties of San Luis Obispo, Santa Barbara, and Ventura.
- (5) The south coast region consists of the Counties of Los Angeles and Orange.
- (6) The San Diego coast region consists of the County of San Diego.

(f) Of the representatives appointed by the Governor pursuant to subdivision (d) or (e), one of the representatives shall reside in, and work directly with, communities in the state that are disproportionately burdened by, and vulnerable to, high levels of pollution and issues of environmental justice, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations. The Governor shall appoint a representative qualified pursuant to this subdivision to a vacant position from the appointments available pursuant to either subdivision (d) or (e) no later than the fourth appointment available after January 1, 2017.

(Amended by Ch. 1087, Stats. 1980; Ch. 285, Stats. 1991; Ch. 1153, Stats. 1993; Ch. 589, Stats. 1993; Ch. 208, Stats. 1995; Ch. 746, Stats. 2004; Ch. 352, Stats. 2013; Ch. 578, Stats. 2016.)

Section 30301.2 Appointments; methods

(a) The appointments of the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, pursuant to subdivision (e) of Section [30301](#), shall be made as prescribed in this section. Within 45 days from the date of receipt of a request for nominations by the appointing authority, the board of supervisors and city selection committee of each county within the region shall nominate supervisors *mayors*, or city council members who reside in the region from which the Governor, the Senate Committee on Rules, or the Speaker of the Assembly shall appoint a replacement. In regions composed of three counties, the board of supervisors and the city selection committee in each county within the region shall each nominate one or more supervisors and one or more mayors or city council members. In regions composed of two counties, the board of supervisors and the city selection committee in each county within the region shall each nominate not less than two supervisors and not less than two mayors or city council members. In regions composed of one county, the board of supervisors and the city selection committee in the county shall each nominate not less than three supervisors and not less than three mayors or city council members. Immediately upon selecting the nominees, the board of supervisors and the city selection committee shall send the names of the nominees to either the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, whoever will appoint the replacement.

(b) Within 30 days from the date of receipt of the names of the nominees pursuant to subdivision (a), the Governor, the Speaker of the Assembly, or the Senate Committee on Rules, whoever will appoint the replacement, shall either appoint one of the nominees or notify the boards of supervisors and city selection committees within the region that none of the nominees are acceptable and request the boards of supervisors and city selection committees to make additional nominations. Within 45 days from the date of receipt of a notice rejecting all the nominees, the boards of supervisors and city selection committees within the region shall nominate and send to the appointing authority the names of additional nominees in accordance with subdivision (a). Upon receipt of the names of those additional nominees, the appointing authority shall appoint one of the nominees.

(Amended by: Ch. 285, Stats. 1991; Ch. 162, Stats. 1997; Ch. 746, Stats. 2004; Ch. 683, Stats. 2015.)

Section 30301.5 Nonvoting members; designees of nonvoting members

A member of the commission serving pursuant subdivision (a), (b), or (c), of section [30301](#) shall be nonvoting member and may appoint a designee to serve at his or her pleasure who shall have all the powers and duties of the member pursuant to this division.

(Amended by: Ch. 285, Stats. 1991; Ch. 1153, Stats. 1993; Ch. 746, Stats. 2004.)

Section 30302& 30303 (Repealed by Ch. 1173, Stats. 1981.)

Section 30304 Alternate members; appointments

Any member of the commission may, subject to the confirmation of his or her appointing power, appoint an alternate member to represent him or her at any commission meeting. An alternate for a locally elected official need not also be a locally elected official. An alternate may serve prior to confirmation for a period not to exceed 90 days from the date of appointment unless and until confirmation is specifically refused. The alternate shall serve at the pleasure of the member who appointed him or her and shall have all the powers and duties as a member of the commission, except that the alternate shall only participate and vote in meetings in the absence of the member who appointed him or her.

All provisions of law relating to conflicts of interest that are applicable to a member shall apply to an alternate member. Whenever a member has, or is known to have, a conflict of interest on any matter, the member's alternate is not eligible to vote on that matter.

(Amended by: Ch. 879, Stats. 1978; Ch. 285, Stats. 1991; Ch. 683, Stats. 2015.)

Section 30304.5 (Repealed by Ch. 285, Stats. 1991.)

Section 30305 Succession to powers, duties, or legal interests of regional coastal commissions

Except as otherwise provided in this division, the commission shall succeed to any and all obligations, powers, duties, responsibilities, benefits, or legal interests of regional coastal commissions which existed prior to July 1, 1981.

(Former sec. 30305 was repealed by Ch. 1173, Stats. 1981; current sec. 30305 was added by Ch. 1173, Stats. 1981.)

**ARTICLE 2
QUALIFICATIONS AND ORGANIZATION**

Section 30310 Appointments; reflection of economic, social, and geographic diversity

In making their appointments pursuant to this division, the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall make good faith efforts to assure that their appointments, as a whole, reflect, to the greatest extent feasible, the economic, social, and geographic diversity of the state.

(Amended by Ch. 746, Stats. 2004.)

Section 30310.5 (Repealed by Ch. 683, Stats 2015.)

Section 30311 (Repealed by Ch. 1173, Stats. 1981.)

Section 30312 Terms of office; vacancies; appointments

The terms of the office of commission members shall be as follows:

(a)(1) A person appointed by the Governor and qualified for membership because he or she holds a specified office as a locally elected official shall serve at the pleasure of the Governor. However, the membership shall cease 60 days after his or her term of office as a locally elected official ceases, or when a person has been appointed to fill that position by the Governor, if that occurs sooner.

(2) A person appointed by the Senate Committee on Rules or by the Speaker of the Assembly and qualified for membership because he or she holds a specified office as a locally elected official shall serve a term of four years. However, the membership shall cease 60 days after his or her term of office as a locally elected official ceases, if that occurs sooner.

(b)(1) A member appointed by the Governor shall serve for two years at the pleasure of the Governor, and may be reappointed for succeeding two-year periods, provided that the member may continue to serve beyond the two-year term until the Governor has acted and the appointee is authorized to sit and serve on the commission.

(2) A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve for four years, and may be reappointed for succeeding four-year periods, provided that the member may continue to serve beyond the four-year term until his or her appointing authority has acted and the appointee is authorized to sit and serve on the commission. If the Senate Committee on Rules or the Speaker of the Assembly has not acted within 60 days after the expiration of a member's term, the position shall become vacant until a person is appointed to a four-year term, calculated from the expiration date of the preceding term.

(c) If a vacancy occurs prior to the expiration of the term for the vacated seat, the appointing authority shall appoint a member for the remainder of the unexpired term pursuant to this chapter.

(d) On the effective date of the act adding this subdivision, the Senate Committee on Rules and the Speaker of the Assembly shall each appoint two members to serve two-year terms and two members to serve four-year terms. All subsequent terms shall be for four years.

(Amended by: Ch. 380 & Ch. 1075, Stats 1978; Ch. 1469, Stats. 1982; Ch. 1, Special Session 2003, effective May 20, 2003.)

Section 30313 Vacancies; notification of expected vacancies

(a) Vacancies that occur shall be filled within 30 days after the occurrence of the vacancy, and shall be filled in the same manner in which the vacating member was selected or appointed.

(b) The executive director of the commission shall notify the appropriate appointing authority of any expected vacancies on the commission. If the expected vacancy is a person qualified for membership because he or she holds a specified office as a locally elected official, whose term of office as a locally elected official is expected to expire or has expired, then the appointing authority shall notify the boards of supervisors and city selection committees of each county within the affected region of the expected vacancy.

(Amended by Ch. 1469, Stats. 1982.)

Section 30314 Compensation; expenses

Except as provided in this section, members or alternates of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement for those expenses is not otherwise provided or payable by another public agency or agencies, and shall receive fifty dollars (\$50) for each full day of attending meetings of the commission. In addition, members or alternates of the commission shall receive twelve dollars and fifty cents (\$12.50) for each hour actually spent in preparation for a commission meeting; provided, however, that for each meeting no more than eight hours of preparation time shall be compensated as provided herein.

An alternate shall be entitled to payment and reimbursement for the necessary expenses incurred in participating in commission meetings; provided, however, that only the member or his or her alternate shall receive that payment and reimbursement, and if both the member and alternate prepare for, attend, and participate in any portion of a commission meeting, only the alternate shall be entitled to that payment and reimbursement.

For the purposes of this section, "full day of attending a meeting" means presence at, and participation in, not less than 60 percent of the total meeting time of the commission during any particular 24-hour period.

(Amended by: Ch. 1075, Stats. 1978; Ch. 462, Stats. 1986; Ch. 285, Stats. 1991.)

(PLEASE NOTE: In 1986 § [11564.5](#) was added to the Govt Code to increase per diem rates for members of all boards, commissions, or committees to one hundred dollars (\$100) per day.)

Section 30315 Meetings; quorum

(a) The commission shall meet at least 11 times annually at a place convenient to the public. Each meeting shall occur not more than 45 working days after the previous meeting. All meetings of the commission shall be open to the public.

(b) A majority of the total appointed membership of the commission shall constitute a quorum. Any action taken by the commission under this division requires a majority vote of the members present at the meeting of the commission, with a quorum being present, unless otherwise specifically provided for in this division.

(Amended by: Ch. 919, Stats. 1979; Ch. 1087, Stats. 1980; Ch. 43, Stats. 1982; Ch. 683, Stats. 2015; Ch. 597, 2016.)

Section 30315.1 Findings; majority vote; quorum

Adoption of findings for any action taken by the commission requires a majority vote of the members from the prevailing side present at the meeting of the commission, with at least three of the prevailing members present and voting.

(Added by Ch. 1469, Stats. 1982.)

Section 30315.5 Meeting Notices

Notwithstanding any other law, the commission shall make the notice of any public meeting or hearing of the commission available in both English and Spanish, and may also make the notice available in any other language.

(Added by Ch. 866, Stats. 2014.)

Section 30316 Chairperson and vice chairperson

The commission shall elect a chairperson and vice chairperson from among its members.

(Amended by Ch. 285, Stats. 1991.)

Section 30317 Headquarters; statewide powers; regional offices

The headquarters of the commission shall be in a coastal county, but it may meet and may exercise any or all of its powers in any part of the state. The commission may maintain regional offices, if it finds that accessibility to, and participation by, the public will be better served or that the provisions of this division can be implemented more efficiently through the maintenance of those offices.

(Amended by Ch. 285, Stats. 1991.)

Section 30318 Conflict of interest

Nothing in this division shall preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. Nothing in this section shall exempt any such member or employee of the commission from any other provision of this article.

(Amended by Ch. 285, Stats. 1991.)

Section 30319 Development permit application; disclosure of representatives; punishment

Any person who applies to the commission for approval of a development permit shall provide the commission with the names and addresses of all persons who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on behalf of the applicant's business partners. That disclosure shall be provided to the commission prior to any such communication. Failure to

comply with that disclosure requirement is a misdemeanor and, upon conviction, the person shall be punished by a fine of five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding six months, and, in addition, shall be subject to immediate denial of the permit.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993.)

Section 30319.5 Denial of permit; subsequent applications; time

An applicant whose permit is denied due to his or her failure to comply with Section [30319](#) may not apply to the commission for approval of an identical or similar project for two years from the date of the permit denial.

(Added by Ch. 1114, Stats. 1992.)

ARTICLE 2.5. FAIRNESS AND DUE PROCESS

Section 30320 Findings and declarations

(a) The people of California find and declare that the duties, responsibilities, and quasi-judicial actions of the commission are sensitive and extremely important for the well-being of current and future generations and that the public interest and principles of fundamental fairness and due process of law require that the commission conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority. It is further found that, to be effective, California's coastal protection program requires public awareness, understanding, support, participation, and confidence in the commission and its practices and procedures. Accordingly, this article is necessary to preserve the public's welfare and the integrity of, and to maintain the public's trust in, the commission and the implementation of this division.

(b) The people of California further find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government which require that the public's business be conducted in public meetings, with limited exceptions for sensitive personnel matters and litigation, and on the official record. Reasonable restrictions are necessary and proper to prevent future abuses and misuse of governmental power so long as all members of the public are given adequate opportunities to present their views and opinions to the commission through written or oral communications on the official record either before or during the public hearing on any matter before the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30321 Jurisdiction of commission

For purposes of this article, "a matter within the commission's jurisdiction" means any permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusions from coastal development permit requirements, or any other quasi-judicial matter requiring commission action, for which an application has been submitted to the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30322 Ex parte communications

(a) For purposes of this article, except as provided in subdivision (b), an "ex parte communication" is any oral or written communication between a member of the commission and an interested person, about a matter within the commission's jurisdiction, which does not occur in a public hearing, workshop, or other official proceeding, or on the official record of the proceeding on the matter.

(b) The following communications are not ex parte communications:

(1) Any communication between a staff member acting in his or her official capacity and any commission member or interested person.

(2) Any communication limited entirely to procedural issues, including, but not limited to, the hearing schedule, location, format, or filing date.

(3) Any communication which takes place on the record during an official proceeding of a state, regional, or local agency that involves a member of the commission who also serves as an official of that agency.

(4) Any communication between a member of the commission, with regard to any action of another state agency or of a regional or local agency of which the member is an official, and any other official or employee of that agency, including any person who is acting as an attorney for the agency.

(5) Any communication between a nonvoting commission member and a staff member of a state agency where both the commission member and the staff member are acting in an official capacity.

(6) Any communication to a nonvoting commission member relating to an action pending before the commission, where the nonvoting commission member does not participate in that action, either through written or verbal communication, on or off the record, with other members of the commission.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993.)

Section 30323 Interested persons

For purposes of this article, an "interested person" is any of the following:

(a) Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in the proceeding on any matter before the commission.

(b) Any person with a financial interest, as described in Article 1 (commencing with [Section 87100](#)) of [Chapter 7 of Title 9 of the Government Code](#), in a matter before the commission, or an agent or employee of the person with a financial interest, or a person receiving consideration for representing the person with a financial interest.

(c) A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of a commission member on a matter before the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30324 Ex parte communications; disclosure; form

(a) No commission member, nor any interested person, shall conduct an ex parte communication unless the commission member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director within seven days after the communication or, if the communication occurs within seven days of the next commission hearing, to the commission on the record of the proceeding at that hearing.

(b) (1) The commission shall adopt standard disclosure forms for reporting ex parte communications which shall include, but not be limited to, all of the following information:

(A) The date, time and location of the communication.

(B) (i) The identity of the person or persons initiating and the person or persons receiving the communication.

(ii) The identity of the person on whose behalf the communication was made.

(iii) The identity of all persons present during the communication.

(C) A complete, comprehensive description of the content of the ex parte communication, including a complete set of all text and graphic material that was part of the communication.

(2) The executive director shall place in the public record any report of an ex parte communication.

(c) Communications shall cease to be ex parte communications when fully disclosed and placed in the commission's official record.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993; Amended by Ch. 125, Stats. 2014.)

Section 30325 Commission proceedings; testimony; written comments

Nothing in this article prohibits any person or any interested person from testifying at a commission hearing, workshop, or other official proceeding, or from submitting written comments for the record on a matter before the commission. Written comments shall be submitted by mail or delivered to a commission office, or may be delivered to the commission at the time and place of a scheduled hearing.

(Added by Ch. 1114, Stats. 1992.)

Section 30326 Commission workshops; requests

Any person, including a commission member, may request the commission staff to conduct a workshop on any matter before the commission or on any subject that could be useful to the commission. When the executive director determines that a request is appropriate and feasible, a workshop shall be scheduled at an appropriate time and location.

(Added by Ch. 1114, Stats. 1992.)

Section 30327 Commission decision; influence; unreported ex parte communication; civil fine; attorneys' fees and costs

(a) No Commission member or alternate shall make, participate in making, or any other way attempt to use his or her official position to influence a commission decision about which the member or alternate has knowingly had an ex parte communication that has not been reported pursuant to [Section 30324](#).

(b) In addition to any other applicable penalty, including a civil fine imposed pursuant to [Section 30824](#), a commission member who knowingly violates this section shall be subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500). Notwithstanding any law to the contrary, the court may award attorney's fees and costs to the prevailing party.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993.)

Section 30327.5 Interested person; gift or gratuity

(a) An interested person shall not give, convey, or make available gifts aggregating more than ten dollars (\$10) in a calendar month to a commissioner or a member of the commission's staff.

(b) A commissioner or member of the commission's staff shall not accept gifts aggregating more than ten dollars (\$10) in a calendar month from an interested person.

(c) For purposes of this section, "interested person" shall have the same meaning as the term is defined in Section [30323](#).

(d) For purposes of this section, "gift" means, except as provided in subdivision (e), a payment, as defined in [Section 82044 of the Government Code](#), that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. A person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(e) For purposes of this section, "gift" does not include any of the following:

(1) A gift that is not used and that, within 30 days after receipt, is either returned to the donor or delivered to a nonprofit entity exempt from taxation under [Section 501\(c\)\(3\) of the Internal Revenue Code](#) without being claimed as a charitable contribution for tax purposes.

(2) A gift from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of one of those individuals. However, a gift from one of those people shall be considered a gift if the donor is acting as an agent or intermediary for a person not covered in this paragraph.

(3) A cost associated with the provision of evidentiary material provided to the commission and its staff.

(4) An educational or training activity that has received prior approval from the commission.

(5) A field trip or site inspection that is made available on equal terms and conditions to all commissioners and appropriate staff.

(6) A reception or purely social event that is not offered in connection with or is not intended to influence a decision or action of the commission and that is open to all commissioners, members of the staff, and members of the public and press.

(Added by Ch. 663, Stats. 2007; amended by Ch. 179, Stats. 2008.)

Section 30327.6 Violations; civil fines and penalties

(a) (1) Except as provided in paragraph (2), a person who for compensation attempts to influence or affect the outcome of a commission decision or action and who violates [Section 30327.5](#) may, in addition to any other applicable penalty, be barred from any activity seeking to influence or affect the outcome of a commission decision or action for a period of up to one year from the date of the finding of the violation. Each violation shall be grounds for the person being barred from any activity seeking to influence or affect a commission decision or action for an additional year from the date of conviction.

(2) This section does not prohibit an individual from representing himself or herself in seeking to influence or affect the outcome of a commission decision or action if that individual is acting solely on his or her own personal behalf and not on behalf of another person or entity.

(b) A person who violates [Section 30327.5](#) shall, in addition to any other applicable penalty, be subject to a civil fine not to exceed five hundred dollars (\$500) for each violation.

(Added by Ch. 663, Stats. 2007; amended by Ch. 179, Stats. 2008.)

Section 30328 Violations; remedies

If a violation of this article occurs and a commission decision may have been affected by the violation, an aggrieved person, as described in Section [30801](#), may seek a writ of mandate from a court requiring the commission to revoke its action and rehear the matter.

(Added by Ch. 1114, Stats, 1992.)

Section 30329 Applicable law

Notwithstanding Section [11425.10 of the Government Code](#), the ex parte communications provisions of the [Administrative Procedure Act \(Article 7 \(commencing with Section 11430.10\) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code\)](#) do not apply to proceedings of the California Coastal Commission under this division.

(Added by Ch. 938, Stats, 1995, § 83, operative July 1, 1997.)

ARTICLE 3 POWERS AND DUTIES

Section 30330 Responsibility for implementation; coastal zone planning and management agency; certificates of conformity; San Francisco Bay Conservation and Development Commission

The commission, unless specifically otherwise provided, shall have the primary responsibility for the implementation of the provisions of this division and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451, et seq.\)](#) or any amendment thereto or any other federal act heretofore or hereafter enacted that relates to the planning or management of the coastal zone.

In addition to any other authority, the commission may, except for a facility defined in Section [25110](#), grant or issue any certificate or statement required pursuant to any such federal law that an activity of any person, including any local, state, or federal agency, is in conformity with the provisions of this division. With respect to any project outside the coastal zone that may have a substantial effect on the resources within the jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to [Title 7.2 \(commencing with Section 66600\) of the Government Code](#), and for which any certification is required pursuant to the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451, et seq.\)](#), such certification shall be issued by the Bay Conservation and Development Commission; provided however, the commission may review and submit comments for any such project which affects resources within the coastal zone.

Section 30331 Successor to California coastal zone conservation commission and regional commissions

The commission is designated the successor in interest to all remaining obligations, powers, duties, responsibilities, benefits, and interests of any sort of the California Coastal Zone Conservation Commission and of the six regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Section 30333 Rules and regulations

(a) Except as provided in [Section 18930 of the Health and Safety Code](#), the commission may adopt or amend, by vote of a majority of the appointed membership of the commission, rules and regulations to carry out the purposes and provisions of this division, and to govern procedures of the commission.

(b) Except as provided in [Section 18930 of the Health and Safety Code](#) and paragraph (3) of subdivision (a) of Section [30620](#), these rules and regulations shall be adopted in accordance with the provisions of [Chapter 3.5 \(commencing with Section 11340\) of Part 1 of Division 3 of Title 2 of the Government Code](#). These rules and regulations shall be consistent with this division and other applicable law.

(Amended by: Ch. 1152, Stats. 1979; Ch. 1173, Stats. 1981; Ch. 43, Stats. 1982; Ch. 472, Stats. 2013.)

Section 30333.1 Review of regulations and procedures

The commission shall periodically review its regulations and procedures and determine what revisions, if any, are necessary and appropriate to simplify and expedite the review of any matter that is before the commission for action pursuant to this division. The commission shall implement, within 60 days of the review any such revisions it determines to be appropriate, so that its regulations and procedures may continue to be as simple and expeditious as practicable.

(Added by Ch. 919, Stats. 1979; Amended by Ch. 285, Stats. 1991; Ch. 294, Stats. 2006.)

Section 30333.2 Restrictions on adoption of building standards; duration of existing standards

Notwithstanding any other provision of law and except as provided in the [State Building Standards Law, Part 2.5 \(commencing with Section 18900\) of Division 13 of the Health and Safety Code](#), the commission shall not adopt nor publish a building standard as defined in [Section 18909 of the Health and Safety Code](#) unless the provisions of [Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 of the Health and Safety Code](#) are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated. A building standard adopted in violation of this section shall have no force or effect. A building standard expressly required by a provision of federal law, specifically requiring that building standard, shall be adopted and published in the State Building Standards Code within the time required by federal law.

(Added by Ch. 1152, Stats. 1979; Amended by Ch. 285, Stats. 1991, Ch. 294, Stats. 2006.)

Section 30333.5 (Repealed by Ch. 1173, Stats. 1981.)

Section 30334 Powers

The commission may do the following:

(a) Contract for any private professional or governmental services, if the work or services cannot be satisfactorily performed by its employees.

(b) Sue and be sued. The Attorney General shall represent the commission in any litigation or proceeding before any court, board, or agency of the state or federal government.

(Amended by Ch. 285, Stats. 1991.)

Section 30334.5 Application for and acceptance of grants and contributions

In addition to the authority granted by Section [30334](#) the commission may apply for and accept grants, appropriations, and contributions in any form.

Section 30335 Executive director; employees

The commission shall appoint an executive director who shall be exempt from civil service and shall serve at the pleasure of his or her appointing power. The commission shall prescribe the duties and

salaries of the executive director, and, consistent with applicable civil service laws, shall appoint and discharge any officer, house staff counsel, or employee of the commission as it deems necessary to carry out the provisions of this division.

(Amended by Ch. 1173, Stats. 1981.)

Section 30335.1 Employees to give procedural assistance

The commission shall provide for appropriate employees on the staff of the commission to assist applicants and other interested parties in connection with matters which are before the commission for action. The assistance rendered by those employees shall be limited to matters of procedure and shall not extend to advice on substantive issues arising out of the provisions of this division, such as advice on the manner in which a proposed development might be made consistent with the policies specified in Chapter 3 (commencing with Section [30200](#)).

(Added by Ch. 919, Stats. 1979; Amended by Ch. 285, Stats. 1991.)

Section 30335.5 Scientific panels; establishment to give technical advice and recommendations to commission

(a) The commission shall, if it determines that it has sufficient resources, establish one or more scientific panels to review technical documents and reports and to give advice and make recommendations to the commission prior to making decisions requiring scientific expertise and analysis not available to the commission through its staff resources. It is the intent of the Legislature that the commission base any such technical decisions on scientific expertise and advice. The panel or panels may be composed of, but not limited to, persons with expertise and training in marine biology, fisheries, geology, coastal geomorphology, geographic information systems, water quality, hydrology, ocean and coastal engineering, economics, and social sciences.

(b) Members of a panel, while performing duties required by this division or by the commission, shall be entitled to the same rights and immunities granted public employees by [Article 3 \(commencing with Section 820\) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code](#). Those rights and immunities shall attach to the member as of the date of appointment of the person to the panel.

(c) The commission is encouraged to seek funding from any appropriate public or private source, and may apply for and expend any grant or endowment funds, for the purposes of this section. Any funding made available to the commission for these purposes shall be reported to the fiscal committee of each house of the Legislature at the time the commission's budget is being formally reviewed.

(d) The commission is encouraged to utilize innovative techniques to increase effective communication between the commission and the scientific community, including the use of existing grant programs and volunteers, in order to improve and strengthen the technical basis of its planning and regulatory decisions.

(Added by Ch. 965, Stats. 1992.)

Section 30336 Planning and regulatory assistance to local governments

The commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise those powers and responsibilities and requests assistance from the commission, and shall cooperate with and assist other public agencies in carrying out this division. Similarly, every public agency, including regional and state agencies and local governments, shall cooperate with the commission and shall, to the extent their resources permit, provide any advice,

assistance, or information the commission may require to perform its duties and to more effectively exercise its authority.

(Amended by Ch. 285, Stats. 1991.)

Section 30337 Joint development permit application system; hearing procedures

The commission shall, where feasible, and in cooperation with the affected agency, establish a joint development permit application system and public hearing procedures with permit issuing agencies.

Section 30338 Regulations for timing of review of proposed treatment works

By May 1, 1977, the commission, after full consultation with the State Water Resources Control Board, shall adopt regulations for the timing of its review of proposed treatment works pursuant to the provisions of subdivision (c) of Section [30412](#).

Section 30339 Duties, generally

The commission shall:

(a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program.

(b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large.

(c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings.

(d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

(Amended by Ch. 714, Stats. 1981; Ch. 285, Stats. 1991.)

Section 30340 Management and budgeting of funds

The commission shall manage and budget any funds that may be appropriated, allocated, granted, or in any other way made available to the commission for expenditure.

(Amended by: Ch. 285, Stats. 1991; Ch. 589, Stats. 1993.)

Section 30340.5 Local coastal programs; use of federal funds; reimbursement of local governments; claims; forms; review

(a) It is the policy of the state that no less than 50 percent of funds received by the state from the federal government pursuant to the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. Sec. 1451, et seq.\)](#), shall be used for the preparation, review, approval, certification, and implementation of local coastal programs.

(b) A local government subject to this division may claim reimbursement of costs incurred as a direct result of the operation of or any requirement promulgated pursuant to this division. Notwithstanding any other provision of law, a claim for reimbursement of mandated costs directly attributable to the operation of this division shall only be submitted, reviewed and approved in the manner set forth in this section.

(c) A claim pursuant to this section shall be submitted to the executive director of the commission no later than September 30. The executive director shall review the claim in accordance with this section and shall submit the claim to the Controller within 60 days after receipt of a claim but in no event later than November 30.

(d) A claim submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. The forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by subdivision (e). The forms shall clearly set forth information requirements for the evaluation of the following categories of costs:

(1) Costs for work relating to the preparation, review, and approval of a local coastal program or portion of a program.

(2) Costs for work that is not covered by paragraph (1).

The claim forms required by this section shall provide for claims of actual costs incurred during the fiscal year preceding submittal and for the costs the claimant local government estimates will be incurred during the then current fiscal year.

(e) The executive director shall review and evaluate each claim submitted pursuant to this section and shall determine whether:

(1) The costs claimed are not paid for or reimbursed from any other source of state or federal funding.

(2) The costs are for work that which is the direct result of and is mandated by the operation of this division or by the commission or whether the work is optional.

(3) With respect to costs specified in paragraph (1) of subdivision (d), the work done or to be done is reasonable and necessary for the preparation and approval of a local coastal program pursuant to a local coastal program work program approved by the commission, or for work which is not part of an approved work program if the work can be shown to be necessary for the completion of a certifiable local coastal program or if new information or other circumstances cause the commission to require that the work be carried out.

(f) The executive director of the commission shall submit to the Controller, on behalf of each claimant local government, all claims submitted pursuant to this section together with his or her recommendation whether the Controller should allow or deny, in whole or in part, the claim. The executive director's recommendation shall be based on his or her determinations made pursuant to subdivision (e). If the executive director fails to make a recommendation by the time a claim is required to be submitted to the Controller as provided in subdivision (c), the executive director is deemed to have recommended approval of the claim.

(g) [Section 17561 of the Government Code](#) shall apply to a claim filed pursuant to this section. However, where a conflict between [Section 17561 of the Government Code](#) and this section occurs, the conflict shall be resolved in a manner that best carries out the purposes of this section. The Controller shall apply the criteria of subdivision (e) in determining whether to allow or deny, in whole or in part, a claim and shall consider the recommendations of the executive director of the commission.

(Added by Ch. 1075, Stats. 1978; Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979; Amended by Ch. 714, Stats. 1981; Ch. 294, Stats. 2006; Ch. 130, Stats. 2007.)

Section 30340.6 Local coastal programs; legislative intent; mandated costs to be paid with state or federal funds; failure of appropriations; postponement of obligations; exception

(a) It is the intent of the Legislature that all costs mandated by the operation of this division be paid either with state or federal funds or both. The Legislature hereby declares that Section [30340.5](#) is designed to ensure that local governments are paid for legitimate claims for costs mandated by this division or the commission, costs for work which is not optional, and costs which are not otherwise reimbursed.

(b) In the event a claimed mandated cost has been approved by the Controller pursuant to Section [30340.5](#) and the Legislature fails to appropriate the funds to pay such claims by special legislation or in the annual state budget for the fiscal year following approval of such claims by the Controller, except the date specified in Section [30518](#), any dates specified in this division or by order of the commission for the submission of a local coastal program or any portion thereof or for the performance of any task or duty by a claimant local government whose approved claim has not been paid shall, at the request of such claimant local government, be postponed by the number of years elapsing between such specified date and the year in which the funds to pay the approved claim are provided.

(c) The provisions of subdivision (b) shall not apply to any local government if the Legislature determines that such local government's claim should not be paid because such claim is not of the type intended to be subject to reimbursement pursuant to Section [30340.5](#).

(Added by Ch. 1075, Stats. 1978; (Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979.)

Section 30341 Additional plans and maps; studies

The commission may prepare and adopt any additional plans and maps and undertake any studies it determines to be necessary and appropriate to better accomplish the purposes, goals, and policies of this division; provided, however, that the plans and maps shall only be adopted after public hearing.

(Amended by Ch. 285, Stats. 1991.)

Sections 30342 and 30343 (Repealed by Ch. 294, Stats. 2006.)

Section 30344 Guide to coastal resources; components; purpose; production; distribution

(a) The Legislature hereby finds and declares that the coastal zone is one of its most precious natural resources, rich in diversity of living and nonliving resources and in the wide range of opportunities it provides for the use and conservation by the people of this state and nation. The Legislature further finds that, in order to promote the wise use of coastal resources for, among other things, recreation, habitat conservation, educational, and scientific study, the production of food and fiber, residential purposes, and economic growth, it is necessary to provide the public with an informative and educational guide to coastal resources.

(b) The commission shall, not later than July 1, 1984, prepare a guide to coastal resources. The guide shall include, but not be limited to, the following components:

(1) An inventory of the natural resources which are of environmental, social, economic, and educational importance to the public. The inventory shall include a description of the resources, their location, and their significance to the people and the natural environment.

(2) An inventory of manmade resources of cultural, historic, economic, and educational importance to the public. The inventory shall focus on those resources which, by virtue of their location in or near the coastal zone, take on a special character or which, because of their nature, require a coastal location. The inventory shall include a description of the resource and any historic, educational, and technical notes of interest.

(3) A listing of public and private entities having responsibility for the planning, management, use, and restoration of the coastal resources and how interested persons can contact those entities for further information about their projects and programs.

The purpose of this guide shall be to contribute to a better understanding by the public of the importance of coastal resources, both to the quality of life for people and to the maintenance of a healthy and productive natural environment. The guide shall be sensitive to the need for a balanced approach to the conservation and use of coastal resources, to the rights and responsibilities of individuals and the public in the protection and use of these resources, and the need to limit human use of some resources in order to avoid their degradation or destruction. The guide shall not be a policy guide, but rather it shall be an educational tool to increase the public understanding and appreciation of the value of California's coastal resources.

(c) The commission shall utilize innovative techniques for the preparation, production, and distribution of the guide so as to minimize costs to the public. To this end, the commission is encouraged to enlist the voluntary assistance of private and public organizations with appropriate expertise. In addition, the commission shall seek grants from private and public institutions to augment its limited funding.

Notwithstanding [Section 14850 of the Government Code](#) or any other provision of law, the commission may contract for the production of this guide with any public or private entity in order to meet the objective of this section.

(d) The guide shall be written and illustrated so as to be easily understood by the general public and shall be set forth in a format that ensures its usefulness.

(e) The guide shall be made available to the public at a reasonable cost.

(Added by Ch. 1470, Stats. 1982.)

ARTICLE 4 LOCAL COASTAL PROGRAM IMPLEMENTATION COSTS

Section 30350 State policy; claims; intent

(a) It is the policy of the state that local governments be paid their legitimate costs, from either state or federal funds, for the implementation of certified local coastal programs; provided, however, that such payment shall only be available for those costs directly attributable to the operation of a certified local coastal program and which costs would not have been incurred but for such local coastal program and which costs are not of a nature which would normally be incurred by such local government in carrying out its land use planning and regulatory responsibilities pursuant to any provision of law other than this division.

(b) Notwithstanding any other provision of law to the contrary, claims for payment of costs directly attributable to the operation and implementation of a certified local coastal program shall only be submitted, reviewed, and approved in the manner set forth in, and pursuant to the provisions of, this article.

(c) The provisions of this article are intended to establish a procedure that ensures the orderly and carefully monitored expenditure of limited public funds for payment of such costs, the incurring of which is hereby recognized as being in the interest of all the people of this state because they carry out state policies for the wise, long-term conservation and use of coastal resources.

(Added by Ch. 919, Stats. 1979.)

Section 30351 Local coastal program implementation grants; purpose; procedures

The commission shall, not later than July 1, 1980, prepare and adopt procedures for the issuance and management of local coastal program implementation grants. The purpose of the grants program is to provide, to the extent funds are available, financial assistance for local governments and, in cases the commission deems appropriate, other public agencies to carry out certified local coastal programs. The procedures required by this section shall specify, consistent with the criteria set forth in subdivision (a) of Section [30350](#), the categories of expenditures eligible for implementation grants and shall include procedures for application, review, approval, and disbursement of grant funds.

(Added by Ch. 1075, Stats. 1978; Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979.)

Section 30352 Reimbursement of costs; claims

(a) Any local government carrying out its certified local coastal programs may, upon the delegation of the development review authority pursuant to Section [30519](#), claim reimbursement of costs incurred for the implementation of such local coastal program if costs have not been provided in an implementation grant issued pursuant to Section [30351](#).

(b) Claims made pursuant to this article shall be submitted to the executive director of the commission not later than September 30 immediately following the fiscal year during which the claimed costs were incurred. The executive director shall review such claims in accordance with the provisions of this article and shall submit all such claims to the Controller within 60 days after receipt of a claim, but in no event later than November 30.

(c) All claims submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. Such forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by Section [30353](#). The claim forms required by this section shall provide for claims of actual costs incurred during the fiscal year preceding submittal and for the costs the claimant local government estimates will be incurred during the then-current fiscal year.

(Added by Ch. 919, Stats. 1979.)

Section 30353 Reimbursable costs; criteria

Payment for costs claimed pursuant to this article shall be made only for costs which, but for the operation of a certified local coastal program, would not have been incurred by the claimant local government and if the following criteria are met:

(a) Costs for establishing a regulatory program to implement a certified local coastal program, including costs for the preparation and printing of public information materials, application forms, establishing new procedures, and staff training are payable. The costs specified in this subdivision include initial startup costs incurred over a period not to exceed one year from the date a certified local coastal program has been adopted for implementation by the appropriate local government.

(b) A fixed payment not to exceed ten dollars (\$10) per permit application for any development subject to a certified local coastal program may be claimed and paid. The payment specified in this subdivision is intended to cover general costs, including costs for public notice, notice and submittal of files to the commission, and appearances before the commission.

(c) Other costs of processing and reviewing coastal development permits pursuant to a certified local coastal program shall normally not be eligible for reimbursement because these types of activities should either be incorporated within the routine regulatory process of the local government or, at the discretion of such local government, be paid for from reasonable permit fees. A local government may,

however, request payment for increased regulatory costs if it can show that either or both of the following special circumstances apply within its jurisdiction:

(1) In jurisdictions with a population of less than 10,000, the existing regulatory program of the local government is not capable of processing and reviewing additional coastal development permits pursuant to a certified local coastal program and where such increased costs could not reasonably be expected to be covered by permit fees.

(2) The regulatory program included in a certified local coastal program requires the discharge of resource management functions that exceed the level of regulatory review normally required or undertaken by the local government.

(d) Costs for enforcement of regulatory requirements that are directly related to local coastal program implementation, such as ensuring compliance with coastal development permit terms and conditions, are payable, if the enforcement activities are not of a type routinely undertaken or of a type required by law as part of the affected local government's normal regulatory responsibilities.

(e) Litigation costs which, but for the operation of a certified local coastal program, would not have been incurred may be paid. Where an action is brought against a local government and such action states as a principal cause of action the operation of such local government's local coastal program and the local government prevails in such action, litigation costs may be paid to the extent such costs are not assessed against the party bringing the action. Where the local government loses such action primarily on grounds it has failed to properly carry out its certified local coastal program, litigation costs shall not be paid. In accordance with procedures established by the executive director of the commission in consultation with the Attorney General, litigation costs may be paid prior to the rendering of a final judgment in the action, if the Attorney General has intervened in the action in support of the local government's position, the amount paid does not exceed five hundred thousand dollars (\$500,000), and the amount paid is equal to or greater than 5 percent of the local government's general revenues as published in the most recent version of "Cities Annual Report" by the Controller. The local government shall reimburse the state from any costs recovered after a final judgment is rendered in the action.

(f) If additional planning is required by the commission as a condition of its certification of any local coastal program, costs for the additional planning are payable.

(Added by Ch. 919, Stats. 1979; Amended by Ch. 1087, Stats. 1980; Amended by Ch. 1104, Stats. 2002.)

Section 30354 Review and evaluation of claims; submission to controller; recommendations; determination

(a) The executive director of the commission shall review and evaluate each claim submitted pursuant to this article and shall determine whether:

(1) The costs claimed meet the requirements of this article.

(2) The costs claimed are not paid for or reimbursed from any other source of state or federal funding.

(3) The claimed costs are reasonable for the implementation of a certified local coastal program.

(b) The executive director of the commission shall submit to the Controller, on behalf of each claimant local government, all claims submitted pursuant to this section together with his or her recommendation whether the Controller should allow or deny, in whole or in part, the claim. A copy of each claim shall also be sent to the claimant local government at the time such claim is submitted to the Controller. The executive director's recommendation shall be based on his or her determinations made pursuant to this article. If the executive director fails to make a recommendation by the time claims are required to be submitted to the Controller, as provided in subdivision (b) of Section [30352](#), the executive director shall be deemed to have recommended approval of the claim.

(c) The provisions of [Section 2231 of the Revenue and Taxation Code](#) shall apply to claims filed pursuant to this article; provided, however, that where a conflict between [Section 2231 of the Revenue and Taxation Code](#) and this article occurs, such conflict shall be resolved in a manner that best carries out the purposes of this article. The Controller shall apply the criteria of this article in determining whether to allow or deny, in whole or in part, any such claim and shall consider the recommendations of the executive director of the commission.

(Added by Ch. 919, Stats. 1979.)

Section 30355 Certified local coastal program

As used in this article, "certified local coastal program" means any portion of a local coastal program that has been certified.

(Added by Ch. 919, Stats. 1979.)

**CHAPTER 5
STATE AGENCIES**

**ARTICLE 1
GENERAL**

Section

- [30400](#) Legislative intent; limitation on powers, duties and responsibilities
- [30401](#) Effect on existing state agencies; construction of chapter
- [30402](#) Compliance with division
- [30403](#) Assumptions
- [30404](#) Recommendations; agency review; reports

**ARTICLE 2
STATE AGENCIES**

Section

- [30410](#) San Francisco Bay Conservation and Development Commission; ports
- [30411](#) Department of Fish and Game; Fish and Game Commission; management programs; wetlands; aquaculture; coastal sites
- [30412](#) State Water Resources Control Board and regional water quality control boards
- [30413](#) State Energy Resources Conservation and Development Commission
- [30414](#) State Air Resources Board and local air pollution control districts
- [30415](#) Director of Office of Planning and Research
- [30416](#) State Lands Commission
- [30417](#) State Board of Forestry and Fire Protection; special treatment areas
- [30418](#) Division of Oil and Gas
- [30419](#) Boating facilities; economic feasibility; evaluation
- [30420](#) Actions relating to disposal of hazardous substances at sea; consultation with specified government entities

**ARTICLE 1
GENERAL**

Section 30400 Legislative intent; limitation on powers, duties and responsibilities

It is the intent of the Legislature to minimize duplication and conflicts among existing state agencies carrying out their regulatory duties and responsibilities.

In the absence of a specific authorization set forth in this division or any other provisions of law or in an agreement entered into with the commission, no state agency, including the Office of Planning and Research, shall exercise any powers or carry out any duties or responsibilities established by this division or by the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451 et seq.\)](#) or any amendment thereto. The Director of the Office of Planning and Research shall in carrying out his or her duties as set forth in [Section 30415](#), ensure that the provisions of this section are carried out.

(Amended by Ch. 323, Stats. 1983.)

Section 30401 Effect on existing state agencies; construction of chapter

Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency.

This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with [Section 30600](#)) and 8 (commencing with [Section 30700](#)), except that the commission shall not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

(Amended by Ch. 285, Stats. 1991.)

Section 30402 Compliance with division

All state agencies shall carry out their duties and responsibilities in conformity with this division.

Section 30403 Assumption

It is the intent of the Legislature that the policies of this division and all local coastal programs prepared pursuant to Chapter 6 (commencing with [Section 30500](#)) should provide the common assumptions upon which state functional plans for the coastal zone are based in accordance with the provisions of [Section 65036 of the Government Code](#).

Section 30404 Recommendations; agency review; reports

(a) The commission shall periodically, in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry and Fire Protection, the State Water Resources Control Board and the California regional water quality control boards, the State Air Resources Board and air pollution control districts and air quality management districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Boating and Waterways, the Division of Mines and Geology and the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation, and the State Lands Commission, and may, with respect to any other state agency, submit recommendations designed to encourage the state agency to carry out its functions in a manner consistent with this division. The recommendations may include proposed changes in administrative regulations, rules, and statutes.

(b) Each of those state agencies shall review and consider the commission recommendations and shall, within six months from the date of their receipt, to the extent that the recommendations have not been implemented, report to the Governor and the Legislature its action and reasons therefor. The report shall also include the state agency's comments on any legislation that may have been proposed by the commission.

(Amended by: Ch. 427, Stats. 1992; Ch. 972, Stats. 1998.)

ARTICLE 2 STATE AGENCIES

Section 30410 San Francisco Bay Conservation & Development Commission; ports

(a) The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and [Title 7.2 \(commencing with Section 66600\) of the Government Code](#) to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978.

(b) It is the intent of the Legislature that the ports under the jurisdiction of the San Francisco Bay Conservation and Development Commission, including the Ports of San Francisco, Oakland, Richmond, Redwood City, Encinal Terminals, and Benecia, should be treated no less favorably than the ports under the jurisdiction of the commission covered in Chapter 8 (commencing with Section [30700](#)) under the terms of any legislation which is developed pursuant to such study.

Section 30411 Department of Fish & Game; Fish & Game Commission; management programs; wetlands; aquaculture; coastal sites

(a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization.

(b) The Department of Fish and Game, in consultation with the commission and the Department of Boating and Waterways, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section [30233](#). Any such study shall include consideration of all of the following:

(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.

(c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in [Chapter 4 \(commencing with Section 825\) of Division 1](#). The Department of Fish and Game may identify coastal sites it determines to be appropriate for aquaculture facilities. If the department identifies these

sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for any uses that are consistent with the policies of Chapter 3 (commencing with Section [30200](#)) of this division.

(d) Any agency of the state owning or managing land in the coastal zone for public purposes shall be an active participant in the selection of suitable sites for aquaculture facilities and shall make the land available for use in aquaculture when feasible and consistent with other policies of this division and other provision of law.

(Amended by: Ch. 187, Stats. 1979; Ch. 1486, Stats. 1982; Ch. 1300, Stats. 1983; Ch. 285, Stats. 1991; Ch. 810, Stats. 1995; Ch. 36, Stats. 2006.)

Section 30412 State Water Resources Control Board & Regional Water Quality Control Boards

(a) In addition to [Section 13142.5 of the Water Code](#), this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.

(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:

- (1) The siting and visual appearance of treatment works within the coastal zone.
- (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.
- (3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.

(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.

(Amended by Ch. 285, Stats. 1991.)

Section 30413 State Energy Resources Conservation & Development Commission

(a) In addition to the provisions set forth in subdivision (f) of Section [30241](#), and in [Sections 25302, 25500, 25507, 25508, 25510, 25514, 25516.1, 25523, and 25526](#), the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in [Section 25110](#) would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of those locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to [Section 25309](#). The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission, after it completes its initial designations in 1978, shall, prior to January 1, 1980, and once every two years thereafter until January 1, 1990, revise and update the designations specified in subdivision (b). After January 1, 1990, the commission shall revise and update those designations not less than once every five years. Those revisions shall be effective on January 1, 1980, or on January 1 of the year following adoption of the revisions. The provisions of subdivision (b) shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to [Section 25502](#) prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of [Chapter 6 \(commencing with Section 25500\) of Division 15](#) with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in those proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intention and shall, prior to completion of the preliminary report required by [Section 25510](#), forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

(4) The potential adverse environmental effects on fish and wildlife and their habitats.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

(7) Such other matters as the commission deems appropriate and necessary to carry out this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to [Sections 25302 and 25306](#) to the commission and the commission shall, with respect to any report that relates to the coastal zone or coastal zone resources, comment on those reports, and shall in its comments include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives.

(Amended by: Ch. 1013 and Ch. 1075, Stats. 1978; Ch. 1031, Stats. 1991.)

Section 30414 State Air Resources Board & local air pollution control districts

(a) The State Air Resources Board and air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. The provisions of this division do not authorize the commission or any local government to establish any ambient air quality standard or emission standard, air pollution control program or facility, or to modify any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.

(b) Any provision of any certified local coastal program which establishes or modifies any ambient air quality standard, any emission standard, any air pollution control program or facility shall be inoperative.

(c) The State Air Resources Board and any air pollution control district may recommend ways in which actions of the commission or any local government can complement or assist in the implementation of established air quality programs.

(Amended by Ch. 1246, Stats. 1982.)

Section 30415 Director of Office of Planning & Research

The Director of the Office of Planning and Research shall, in cooperation with the commission and other appropriate state agencies, review the policies of this division. If the director determines that effective implementation of any policy requires the cooperative and coordinated efforts of several state agencies, he shall, no later than July 1, 1978 and from time to time thereafter, recommend to the appropriate agencies actions that should be taken to minimize potential duplication and conflicts and which could, if taken, better achieve effective implementation of such policy. The director shall, where appropriate and after consultation with the affected agency, recommend to the Governor and the Legislature how the programs, duties, responsibilities, and enabling legislation of any state agency should be changed to better achieve the goals and policies of this division.

Section 30416 State Lands Commission

(a) The State Lands Commission, in carrying out its duties and responsibilities as the state agency responsible for the management of all state lands, including tide and submerged lands, in accordance with the provisions of Division 6 (commencing with [Section 6001](#)), shall, prior to certification by the commission pursuant to Chapters 6 (commencing with [Section 30500](#)) and 8 (commencing with [Section 30700](#)) review, and may comment on any proposed local coastal program or port master plan that could affect state lands.

(b) No power granted to any local government, port governing body, or special district, under this division, shall change the authority of the State Lands Commission over granted or ungranted lands within its jurisdiction or change the rights and duties of its lessees or permittees.

(c) Boundary settlements between the State Lands Commission and other parties and any exchanges of land in connection therewith shall not be a development within the meaning of this division.

(d) Nothing in this division shall amend or alter the terms and conditions in any legislative grant of lands, in trust, to any local government, port governing body, or special district; provided, however, that any development on such granted lands shall, in addition to the terms and conditions of such grant, be subject to the regulatory controls provided by Chapters 7 (commencing with [Section 30600](#)) and 8 (commencing with [Section 30700](#)).

Section 30417 State Board of Forestry and Fire Protection; special treatment areas

(a) In addition to the provisions set forth in [Section 4551.5](#), this section shall apply to the State Board of Forestry and Fire Protection.

(b) Within 180 days after January 1, 1977, the commission shall identify special treatment areas within the coastal zone to ensure that natural and scenic resources are adequately protected. The commission shall forward to the State Board of Forestry and Fire Protection maps of the designated special treatment areas together with specific reasons for those designations and with recommendations designed to assist the State Board of Forestry and Fire Protection in adopting rules and regulations that adequately protect the natural and scenic qualities of such special treatment areas.

(Amended by Ch. 972, Stats. 1998.)

Section 30418 Division of Oil & Gas

(a) Pursuant to Division 3 (commencing with [Section 3000](#)), the Division of Oil and Gas of the Department of Conservation is the principal state agency responsible for regulating the drilling, operation, maintenance, and abandonment of all oil, gas, and geothermal wells in the state. Neither the commission, local government, port governing body, or special district shall establish or impose such regulatory controls

that duplicate or exceed controls established by the Division of Oil and Gas pursuant to specific statutory requirements or authorization.

This section shall not be construed to limit in any way, except as specifically provided, the regulatory controls over oil and gas development pursuant to Chapters 7 (commencing with Section [30600](#)) and 8 (commencing with Section [30700](#)).

(b) The Division of Oil and Gas of the Department of Conservation shall cooperate with the commission by providing necessary data and technical expertise regarding proposed well operations within the coastal zone.

(Amended by Ch. 285, Stats. 1991.)

Section 30419 Boating facilities; economic feasibility; evaluation

The Department of Boating and Waterways is the principal state agency for evaluating the economic feasibility of any boating facility to be developed within the coastal zone.

If the economic viability of a boating facility becomes an issue in a coastal development permit matter or in a local coastal program or any amendment thereto, the commission shall request the Department of Boating and Waterways to provide comment, including, but not limited to, the analysis of costs associated with conditions of approval. In cases where the Department of Boating and Waterways desires to make any comment, it shall be made within 30 days of the commission's request. The commission shall include the comment in its decision regarding a coastal development permit or local coastal program or any amendment thereto.

(Added by Ch. 824, Stats. 1983.)

Section 30420 Actions relating to disposal of hazardous substances at sea; consultation with specified governmental entities

Prior to taking any action on (1) a local coastal program or any amendment thereto, (2) any coastal development permit, or (3) any consistency determination or certification, which relates to the disposal of hazardous substances at sea, the commission shall consult with the following governmental entities:

- (a) Department of Toxic Substances Control.
- (b) State Lands Commission.
- (c) State Air Resources Board and relevant air pollution control districts or air quality management districts.
- (d) Department of Fish and Game.
- (e) State Water Resources Control Board and relevant California regional water quality control boards.
- (f) Secretary for Environmental Protection.
- (g) Governor's Office of Planning and Research.
- (h) The local government located closest to the proposed activity, or within whose jurisdiction the activity is proposed, or within whose jurisdiction there may be effects of the proposed activity.

(Added by Ch. 465, Stats. 1986; Amended by GRP 1, of 1991.)

**CHAPTER 6
IMPLEMENTATION**

**ARTICLE 1
LOCAL COASTAL PROGRAM**

Section

- [30500](#) Preparation
- [30500.1](#) Housing policies not required
- [30501](#) Procedures
- [30502](#) Designation of sensitive coastal resource areas
- [30502.5](#) Recommendation by commission to legislature; disposition
- [30503](#) Opportunity for public participation
- [30504](#) Special districts; submission of plans

**ARTICLE 2
PROCEDURE FOR PREPARATION,
APPROVAL, AND CERTIFICATION OF
LOCAL COASTAL PROGRAMS**

Section

- [30510](#) Submission to commission
- [30511](#) Submission schedule
- [30512](#) Land use plan; submission; certification; modifications
(Amended by Ch. 742, Stats. 2018)
- [30512.1](#) *(REPEALED)*
- [30512.2](#) Land use plan; criteria for decision to certify or refuse certification
- [30513](#) Zoning; approval; grounds for rejection; modifications; resubmission
(Amended by Ch. 742, Stats. 2018)
- [30514](#) Program amendment; commission certification; procedure; minor or de minimis amendments; amendments requiring rapid action; guidelines
- [30514.1](#) Findings, written notice or explanation; time limit
- [30515](#) Amendment of public works project or energy facility development
- [30516](#) Approval or disapproval; financial ability; severance of certified port master plan
- [30517](#) Extension of time
- [30517.5](#) Schedule for submission of land use plans not already submitted; actions upon failure to meet schedule
- [30517.6](#) Submission of zoning ordinances, zoning district maps and other implementing actions; effect of failure to meet schedule
- [30518](#) *(REPEALED)*
- [30519](#) Delegation of development review authority; recommendation of amendments to program
- [30519.1](#) City of Carlsbad; housing for persons and families of low or moderate income; issuance of coastal development permits

- [30519.2](#) Annexation of all or part of annexed area in the County of Orange by the City of Newport Beach; occurrences and duties resulting from annexation; local coastal program
- [30519.5](#) Periodic review of certified local programs; recommendations; reports
- [30520](#) Judicial prohibition or stay; exercise and reinstatement of permit authority; issuance of coastal development permit
- [30521](#) ***(REPEALED)***
- [30522](#) Degree of environmental protection
- [30523](#) Specificity of local coastal programs; legislative intent
- [30525](#) Sensitive resource values; identification; protection in promulgation of local coastal program
- [30526](#) Coastal development in Los Peñasquitos Lagoon area in City of San Diego; mitigation fee program

**ARTICLE 3
COASTAL PUBLIC ACCESS PROGRAM**

Section

- [30530](#) Legislative intent
- [30531](#) Preparation of program; elements; procedure
- [30532](#) Agreements and grants
- [30533](#) ***(REPEALED)***
- [30534](#) Handling of offers to dedicate real property

**ARTICLE I
LOCAL COASTAL PROGRAM**

Section 30500 Preparation

(a) Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction. However, any local government may request, in writing, the commission to prepare a local coastal program, or a portion thereof, for the local government. Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

(b) Amendments to a local general plan for the purpose of developing a certified local coastal program shall not constitute an amendment of a general plan for purposes of [Section 65358 of the Government Code](#).

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section [30501](#), in full consultation with the commission and with full public participation.

(Amended by Ch. 1173, Stats. 1981; Ch. 1009, Stats. 1984.)

Section 30500.1 Housing policies & programs

No local coastal program shall be required to include housing policies and programs.

(Added by Ch. 1007, Stats. 1981.)

Section 30501 Procedures

The commission shall, within 90 days after January 1, 1977, adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of any local coastal program, including, but not limited to, the following:

(a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.

(b) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Such uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by any local government.

(Amended by Ch. 1173, Stats. 1981.)

Section 30502 Designation of sensitive coastal resource areas

(a) The commission, in consultation with affected local governments and the appropriate regional commissions, shall, not later than September 1, 1977, after public hearing, designate sensitive coastal resource areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the regional commissions and commission of other implementing actions.

(b) The designation of each sensitive coastal resource area shall be based upon a separate report prepared and adopted by the commission which shall contain all of the following:

(1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area.

(2) A specific determination that the designated area is of regional or statewide significance.

(3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access.

(4) A map of the area indicating its size and location.

(c) In sensitive coastal resource areas designated pursuant to this section, a local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings of the sensitive coastal resource area report in conformity with the policies of this division.

Section 30502.5 Recommendation by Commission to Legislature; disposition

The commission shall recommend to the Legislature for designation by statute those sensitive coastal resource areas designated by the commission pursuant to Section [30502](#). Recommendation by the commission to the Legislature shall place the described area in the sensitive coastal resource area category for no more than two years, or a shorter period if the Legislature specifically rejects the recommendation. If two years pass and a recommended area has not been designated by statute, it shall no longer be designated as a sensitive coastal resource area. A bill proposing such a statute may not be held in committee, but shall be reported from committee to the floor of each respective house with its recommendation within 60 days of referral to committee.

Section 30503 Opportunity for public participation

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

Section 30504 Special districts; submission of plans

Special districts, which issue permits or otherwise grant approval for development or which conduct development activities that may affect coastal resources, shall submit their development plans to the affected local government pursuant to [Section 65401 of the Government Code](#). Such plans shall be considered by the affected local government in the preparation of its local coastal program.

ARTICLE 2 PROCEDURE FOR PREPARATION, APPROVAL, AND CERTIFICATION OF LOCAL COASTAL PROGRAMS

Section 30510 Submission to Commission

Consistent with this chapter, a proposed local coastal program may be submitted to the commission, if both of the following are met:

(a) It is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division.

(b) It contains, in accordance with guidelines established by the commission, materials sufficient for a thorough and complete review.

(Amended by Ch. 285, Stats. 1991.)

Section 30511 Submission schedule

Local coastal programs shall be submitted in accordance with the schedule established pursuant to Section [30517.5](#). At the option of the local government, this program may be submitted and processed in any of the following ways:

(a) At one time, in which event Section [30512](#) with respect to time limits, resubmission, approval, and certification shall apply. However, the zoning ordinances, zoning district maps, and, if required, other implementing actions included in the local coastal program shall be approved and certified pursuant to the standards of Section [30513](#).

(b) In two phases, in which event the land use plans shall be processed first pursuant to Section [30512](#), and the zoning ordinances, zoning district maps, and, if required, other implementing actions, shall be processed thereafter pursuant to Section [30513](#).

(c) In separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone, each submitted pursuant to subdivision (a) or (b), if the commission finds that the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction.

(Amended by: Ch. 1173, Stats. 1981; Ch. 285, Stats. 1991; Ch. 1091, Stats. 1991)

Section 30512 Land use plan; submission; certification; modifications

(a) The land use plan of a proposed local coastal program shall be submitted to the commission. The commission shall, within 90 *working* days after the submittal, after public hearing, either certify or refuse certification, in whole or in part, the land use plan pursuant to the following procedure:

(1) No later than 60 *working* days after a land use plan has been submitted to it, the commission shall, after public hearing and by majority vote of those present, determine whether the land use plan, or a portion thereof applicable to an identifiable geographic area, raises no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section [30200](#)).

If the commission determines that no substantial issue is raised, the land use plan, or portion thereof applicable to an identifiable area, which raises no substantial issue, shall be deemed certified as submitted. The commission shall adopt findings to support its action.

(2) Where the commission determines pursuant to paragraph (1) that one or more portions of a land use plan applicable to one or more identifiable geographic areas raise no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section [30200](#)), the remainder of that land use plan applicable to other identifiable geographic areas shall be deemed to raise one or more substantial issues as to conformity with the policies of Chapter 3 (commencing with Section [30200](#)). The commission shall identify each substantial issue for each geographic area.

(3) The commission shall hold at least one public hearing on the matter or matters that have been identified as substantial issues pursuant to paragraph (2). No later than 90 *working* days after submittal of the land use plan, the commission shall determine whether or not to certify the land use plan, in whole or in part. If the commission fails to act within the required 90-day period, the land use plan, or portion thereof, shall be deemed certified by the commission.

(b) If the commission determines not to certify a land use plan, in whole or in part, the commission shall provide a written explanation and may suggest modifications, which, if adopted and transmitted to the commission by the local government, shall cause the land use plan to be deemed certified upon confirmation of the executive director. The local government may elect to meet the commission's refusal of certification in a manner other than as suggested by the commission and may then resubmit its revised land use plan to the commission. If a local government requests that the commission not recommend or suggest modifications which, if made, will result in certification, the commission shall refuse certification with the required findings.

(c) The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section [30200](#)). Except as proved in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the commission.

(Amended by: Ch. 1087, Stats. 1980; Ch. 1173, Stats. 1981; Ch. 43, 1982.; Ch. 746, Stats. 2004, Ch. 742, Stats. 2018.)

Section 30512.1 (Repealed by Ch. 746, Stats. 2004.)

Section 30512.2 Land use plan; criteria for decision to certify or refuse certification

The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section [30512](#):

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section [30200](#)). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

(b) The commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section [30200](#)) only to the extent necessary to achieve the basic state goals specified in Section [30001.5](#).

(Added by Ch. 1173, Stats. 1981.)

Section 30513 Zoning; approval; grounds for rejection; modifications; resubmission

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter.

If within 60 *working* days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director.

The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission.

If a local government requests that the commission not suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing ordinances, the commission shall not do so.

(Amended by Ch. 1173, Stats. 1981.)

Section 30514 Program amendment; commission certification; procedure; minor or de minimis amendments; amendments requiring rapid action; guidelines

(a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.

(b) Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections [30512](#) and [30513](#), except that the commission shall make no determination as to whether a proposed amendment raises a substantial issue as to conformity with the policies of Chapter 3 (commencing with Section [30200](#)) as would otherwise be required by Section [30512](#). In no event shall there be more than three of these submittals of proposed amendments in any calendar year. However, there are no limitations on the number of amendments included in each of the three submittals.

(c) The commission, by regulation, shall establish a procedure whereby proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature or as requiring rapid and expeditious action. That procedure shall include provisions authorizing local governments to propose amendments to the executive director for that review and designation. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action shall not be subject to subdivision (b) or Sections [30512](#) and [30513](#) and shall take effect on the 10th working day after designation. Amendments that allow changes in uses shall not be so designated.

(d)(1) The executive director may determine that a proposed local coastal program amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section [30200](#)), and meets the following criteria:

(A) The local government, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, that specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by [Section 6061 of the Government Code](#), in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the local government both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the local government submits the proposed amendment to the executive director, the local government shall also submit to the executive director any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).

(3)(A) The executive director shall make a determination as to whether the proposed amendment is de minimis within 10 working days of the date of submittal by the local government. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with [Section 11125 of the Government Code](#), and any public comments forwarded by the local government shall be made available to the members of the commission.

(B) If three members of the commission object to the executive director's determination that the proposed amendment is de minimis, the proposed amendment shall be set for public hearing in accordance with the procedures specified in subdivision (b), or as specified in subdivision (c) if applicable, as determined by the executive director, or, at the request of the local government, returned to the local government. If set for public hearing under subdivision (b), the time requirements set by Sections [30512](#) and [30513](#) shall commence from the date on which the objection to the de minimis designation was made.

(C) If three or more members of the commission do not object to the de minimis determination, the de minimis local coastal program amendment shall become part of the certified local coastal program 10 days after the date of the commission meeting.

(4) The commission, after a noticed public hearing, may adopt guidelines to implement this subdivision, which shall be exempt from review by the Office of Administrative Law and from [Chapter 3.5 \(commencing with Section 11340\) of Part 1 of Division 3 of Title 2 of the Government Code](#). The commission shall file any guidelines adopted pursuant to this paragraph with the Office of Administrative Law.

(e) For purposes of this section, "amendment of a certified local coastal program" includes, but is not limited to, any action by a local government that authorizes the use of a parcel of land other than a use that is designated in the certified local coastal program as a permitted use of the parcel.

(Amended by: Ch. 43, Stats. 1982; Ch. 525, Stats. 1994; Ch. 208, Stats. 1995; Ch. 124, Stats. 1996. Ch. 742, Stats. 2018.)

Section 30514.1 Findings, written notice or explanation; time limit

The commission shall adopt the findings or provide a written explanation or written notice, as appropriate, required by Sections [30512](#), [30512.2](#), and [30513](#) to support its action no later than 60 days after the date on which action was taken.

(Added by Ch. 886, Stats. 1985 amended by Ch. 746, Stats 2004.)

Section 30515 Amendment for public works project or energy facility development

Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section [30514](#).

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local

government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.

Section 30516 Approval; financial ability; severance of certified port master plan

(a) Approval of a local coastal program shall not be withheld because of the inability of the local government to financially support or implement any policy or policies contained in this division; provided, however, that this shall not require the approval of a local coastal program allowing development not in conformity with the policies in Chapter 3 (commencing with Section [30200](#)).

(b) Where a certified port master plan has been incorporated in a local coastal program in accordance with Section [30711](#) and the local coastal program is disapproved by the commission, that disapproval shall not apply to the certified port master plan.

(Amended by Ch. 285, Stats. 1991)

Section 30517 Extensions of time

The commission may extend, for a period of not to exceed one year, except as provided for in Section [30518](#), any time limitation established by this chapter for good cause.

(Amended by Ch. 285, Stats. 1991.)

Section 30517.5 Schedule for submission of land use plans not already submitted; actions upon failure to meet schedule

(a) Within 60 days from the effective date of this section, the commission shall establish a schedule for the submittal of all land use plans that have not been submitted, pursuant to Section [30501](#), to a former regional commission or the commission on or before July 1, 1981. This schedule shall be based on the commission's assessment, in consultation with local governments, of each local government's current status and progress. The schedule shall specify that submittals may not be made sooner than nor later than certain specified dates and in no event later than January 1, 1983.

(b) If a local government fails to meet the schedule established pursuant to subdivision (a), the commission may take any of the following actions:

(1) Waive the deadlines for commission action on a submitted land use plan, or any portion thereof, as set forth in Sections [30511](#) and [30512](#).

(2) Prepare and adopt, after a public hearing but not sooner than January 1, 1984, a land use plan for the land area within the local government's jurisdiction. After adoption of the land use plan, the commission shall determine the permissibility of proposed developments pursuant to the provisions of the adopted plan. The affected local government may choose to adopt, in whole or in part, the commission's prepared and adopted land use plan in which event the commission shall certify the plan, in whole or in part, or it may continue to prepare its own land use plan consistent with the provisions of this chapter.

(3) Report the matter to the Legislature with recommendations for appropriate action.

(Added by Ch. 1173, Stats. 1981; Amended by Ch. 747, Stats. 1983.)

Section 30517.6 Submission of zoning ordinances, zoning district maps and other implementing actions; effect of failure to meet schedule

(a) Within 30 days after the certification of a land use plan, or any portion thereof, the commission shall, after consultation with the appropriate local government, establish a date for that local government to submit the zoning ordinances, zoning district maps, and, where necessary, other implementing actions. In no event shall that date be later than January 1, 1984.

(b) If a local government fails to meet the schedule established pursuant to subdivision (a), the commission may waive the deadlines for commission action on submitted zoning ordinances, zoning district maps, and, where necessary, other implementing actions, as set forth in Sections [30511](#) and [30513](#).

(Added by Ch. 1173, Stats. 1981.)

Section 30518 (Repealed by Ch. 1173, Stats. 1981.)

Section 30519 Delegation of development review authority; recommendation of amendments to program

(a) Except for appeals to the commission, as provided in Section [30603](#), after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section [30600](#)) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section [30700](#)) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

(Amended by: Ch. 43, Stats. 1982; Ch. 285, Stats. 1991.)

Section 30519.1 City of Carlsbad; housing for persons and families of low or moderate income; issuance of coastal development permits

(a) This section shall apply only to those parcels and areas within the City of Carlsbad for which a local coastal program has been prepared and certified by the commission pursuant to subdivision (f) of Section [30170](#) or Section [30171](#).

(b) Any provisions of any such local coastal program with respect to housing for persons and families of low or moderate income shall have no force or effect after January 1, 1982. After that date, housing requirements for those parcels and areas shall be determined pursuant to [Section 65590 of the Government Code](#).

(c) Until such time as, (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such local coastal program, or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local coastal program for those parcels and areas, coastal development permits for those parcels and areas shall be issued by the commission as provided in this subdivision. Notwithstanding any other provision of this division, the commission shall issue a coastal development permit if it finds that a proposed development is in conformity with the certified local coastal program, exclusive of any provisions with respect to housing for persons and families of low or moderate income which have been rendered inoperative pursuant to subdivision (b).

(Added by Ch. 43, Stats. 1982.)

Section 30519.2 Annexation of all or part of annexed area in the County of Orange by the City of Newport Beach; occurrences and duties resulting from annexation; local coastal program

(a)(1) This subdivision shall only apply to territory described in paragraph (2) and defined as the "Annexed Area."

(2) For purposes of this section, "Annexed Area" means the territory consisting of approximately 5,450 acres in the County of Orange bounded to the north by the inland boundary of the coastal zone, to the east by the western boundary of Crystal Cove State Park, to the south by the state's outer limit of jurisdiction over the Pacific Ocean, and to the west by the city limits of the City of Newport Beach.

(3) This subdivision shall be operative upon the effective date of the annexation of all or part of the Annexed Area by the City of Newport Beach.

(4) Upon the recordation of a certificate of completion of any reorganization or change of organization that results in the annexation of all or part of the Annexed Area by the City of Newport Beach, both of the following shall occur:

(A) The local coastal program applicable to any part of the Annexed Area shall continue to be the certified local coastal program for the County of Orange.

(B) The County of Orange shall continue to exercise all development review authority described in Section 30519, as delegated to it by the commission consistent with the certified local coastal program of the County of Orange for the Annexed Area.

(5) If, at any time after the recordation of the certificate of completion of the annexation of the Annexed Area, the City of Newport Beach elects to assume coastal management responsibility for the Annexed Area, the city may begin preparation of a local coastal program for that area. The City of Newport Beach may adopt provisions of the County of Orange's certified local coastal program that apply to the Annexed Area. All of the procedures for the preparation, approval, and certification of a local coastal program set forth in this division, and any applicable regulations adopted by the commission, shall apply to the preparation, approval, and certification of a local coastal program for the Annexed Area.

(6) If the City of Newport Beach obtains certification of a local coastal program for the Annexed Area, the city shall, upon the effective date of that certification, exercise all of the authority granted to a local government with a certified local coastal program, and the provisions of paragraph (4) shall become inoperative.

(b) On or before June 30, 2003, or 24 months after the annexation of the Annexed Area, whichever event occurs first, the City of Newport Beach shall submit to the commission for approval and certification the city's local coastal program for all of the geographic area within the coastal zone and the city's corporate boundaries as of June 30, 2000. The submittal may include a local coastal program segment for the Annexed Area that will implement the local coastal program for the County of Orange as described in paragraph (4) of subdivision (a).

(c) If the City of Newport Beach fails to submit a local coastal program to the commission for approval and certification pursuant to subdivision (b) or does not have an effectively certified local coastal program within six months after the commission's approval of the local coastal program, the City of Newport Beach shall submit a monthly late fee of one thousand dollars (\$1,000) to be deposited into the Violation Remediation Account of the Coastal Conservancy Fund, to be expended in accordance with the purposes of Section 30823. The City of Newport Beach shall pay the monthly late fee until the time that the city commences implementation of an effectively certified local coastal program. The city may not recover the cost of the late fee from any owner or lessee of property in the coastal zone.

(Added by Ch. 537, Stats. 2001.)

Section 30519.5 Periodic review of certified local programs; recommendations; reports

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

Section 30520 Judicial prohibition or stay; exercise and reinstatement of permit authority; issuance of coastal development permit

(a) If the application of any certified local coastal program, or any portion thereof, is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section [30600](#)) shall be exercised pursuant to the provisions of this section until a final court order has withdrawn such prohibition or stay. A coastal development permit shall be issued by the affected local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section [30200](#)) or the applicable certified land use plan if the court-ordered prohibition or stay applies only to the zoning ordinances, zoning district maps, or, where necessary, the other implementing actions which are required pursuant to this chapter. Any development approved by a local government pursuant to this subdivision may be appealed to the commission by any person, including the executive director or any commissioner during the period the permit provisions of this section are in effect.

(b) Until a local government has adopted an interim ordinance, prescribing procedures for issuing coastal development permits in the circumstances described in subdivision (a), the permit authority provided for in Chapter 7 (commencing with Section [30600](#)) shall be reinstated in the commission. A coastal development permit shall be issued by the commission if the commission finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section [30200](#)) or the applicable certified land use plan, if the court-ordered prohibition or stay applies only to zoning ordinances, zoning district maps, or, where necessary, the other implementing actions which are required pursuant to this chapter.

(c) The permit authority provided for in this section shall be limited to only those developments which would be affected by the court-ordered prohibition or stay.

(Amended by: Ch. 1173, Stats. 1981; Ch. 43, Stats. 1982.)

Section 30521 (Repealed by Ch. 383, Stats. 2005.)

Section 30522 Degree of environmental protection

Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency that are formally adopted by such agency, are used in the regulatory program of such agency, and are legally enforceable.

(Amended by Ch. 899, Stats. 1979.)

Section 30523 Specificity of local coastal programs; legislative intent

It is the intent of the Legislature that local coastal programs certified by the commission should be sufficiently specific to meet the requirements of Section [30108.5](#), but not so detailed as to require amendment and commission review for minor changes, or to discourage the assumption by local governments of post-certification authority which ensures and implements effective protection of coastal resources. The Legislature also recognizes that the applicable policies and the level of specificity required to ensure coastal resource protection may differ between areas on or near the shoreline and inland areas.

(Added by Ch. 899, Stats. 1979.)

Section 30525 Sensitive resource values; identification; protection in promulgation of local coastal program

(a) Every state agency that owns or manages land or water areas within the coastal zone, including public beaches, parks, natural areas, and fish and wildlife preserves, shall identify the sensitive resource values within those areas that are particularly susceptible to adverse impacts from nearby development that is not carefully planned. Every such agency shall also identify the location and type of development that would have a significant adverse impact on those sensitive resource values.

(b) Every agency subject to this section shall advise the appropriate local government of particular considerations that should be evaluated during the preparation of a local coastal program and which, in the opinion of such agency, may be necessary to protect identified sensitive resource values. In addition, the work undertaken pursuant to this section shall be completed in a timely manner in order to maximize the opportunity for the public, affected local governments, and the commission to consider this information fully during the preparation, review, and approval of the appropriate local coastal program.

(c) Work already completed pursuant to former [Chapter 7 \(commencing with Section 31300\) of Division 21 of the Public Resources Code](#), added by Chapter 1441 of the Statutes of 1976, and in conformity with this section, that identifies sensitive resource values within publicly owned or managed land and water areas of the coastal zone shall be considered by local government and the commission in the course of carrying out this chapter.

(d) For purposes of this section, "sensitive resource values" means those fragile or unique natural resources which are particularly susceptible to degradation resulting from surrounding development, the adverse effects of which have not been carefully evaluated, mitigated, or avoided. Examples include, but

are not limited to, environmentally sensitive areas, as defined in Section [30107.5](#), areas uniquely suited for scientific or educational purposes, and specific public recreation areas where the quality of the recreational experience is dependent on the character of the surrounding area.

(Added by Ch. 930, Stats. 1979; Amended by Ch. 285, Stats. 1991.)

Section 30526 Coastal development in Los Peñasquitos Lagoon area in City of San Diego; mitigation fee program

(a) Because of the intensity of development contemplated, the area's steep topography and highly erodible soils, and the demonstrated impacts from development despite the utilization of mitigation measures, the Legislature finds that the threat from development to wetlands in the City of San Diego requires that a mitigation fee program be included in the city's local coastal program. Therefore, the City of San Diego shall provide in its local coastal program for payment of a reasonable fee to the State Coastal Conservancy by applicants for a coastal development permit if the proposed development has, or is reasonably expected to have, a direct and significant effect on coastal resources within a specific geographic watershed in the coastal zone which can be mitigated through the incorporation of feasible onsite and offsite mitigation measures into the proposed development and through the mitigation fee program.

(b) Fees paid by an applicant pursuant to subdivision (a) shall be deposited in an account established by the State Coastal Conservancy. None of the funds in the account shall be appropriated for any purpose not specified in this section. Except as provided in this section, any fee paid pursuant to this section may only be used to restore, replace, or improve resources or ecological systems which are adversely affected by the proposed development and with respect to which the fee constitutes partial or total mitigation. Any fees established pursuant to this section are not required for any development that is undertaken by a public agency for the purpose of providing resource enhancement or public recreation. In the event that mitigation of all development impacts cannot be feasibly carried out within the watershed, the conservancy may, with the approval of the local government and the commission, complete the mitigation for the development outside of the watershed.

(c) This section and [Section 31108.5](#) apply only to the Los Peñasquitos Lagoon area in the City of San Diego.

(Added by Ch. 198, Stats. 1986.)

**ARTICLE 3
COASTAL PUBLIC ACCESS PROGRAM**

Section 30530 Legislative intent

It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with [Section 31400](#)) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. There is a need to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

(Added by Ch. 840, Stats. 1979.)

Section 30531 Preparation of program; elements; procedure

The commission shall be responsible for the preparation of a public coastal access program which includes the elements set forth in this section and which, to the maximum extent practicable, is incorporated into the local coastal programs prepared, approved, and implemented pursuant to this division.

(a) On or before January 1, 1981, the commission shall prepare a coastal access inventory. The coastal access inventory shall be updated on a continuing basis and shall include, but not be limited to, the following information:

(1) A list identifying lands held or operated for the purpose of providing public access to or along the coast. Each listing shall include a brief description of the type of access provided, access constraints, access facility ownership, and resources or uses for which access is provided or suitable.

(2) A list of known offers to dedicate, accepted dedications, and any other legally binding actions taken that provide opportunities for any type of public use of or access to or along the coast. Each listing shall include a brief description of the legal status of the instrument granting or otherwise providing public access, whether public access is physically available, and if not, what action is necessary to be taken to accomplish actual public use.

(3) A map showing the precise location of the listings included pursuant to paragraphs (1) and (2) of this subdivision.

(b) On or before June 1, 1980, the commission shall, in consultation with the Department of Parks and Recreation, the State Coastal Conservancy, and other appropriate public agencies, make recommendations to guide state, local, and to the extent permitted by law federal public agencies in the identification, development, and management of public accessways to and along the coast. The recommendations made pursuant to this section shall be consistent with the public access policies of this division and, with respect to recommendations relating to development of public accessways, consistent with the policy of protecting coastal resources.

(c) On or before January 1, 1981, and from time to time thereafter, the commission, in consultation with the State Coastal Conservancy and other affected public agencies, shall identify the public agency or agencies it deems the most appropriate agency or agencies to accept responsibility for the management of those public coastal accessways listed pursuant to subdivision (a) for which no public agency has accepted such management responsibilities. In identifying the agency or agencies most appropriate to accept public access management responsibilities, the commission shall include its best estimate of costs for the development, operation, and maintenance of such accessways and shall recommend to the Governor and the Legislature a method of funding such costs. In preparing its recommendations for funding public coastal accessway operation and maintenance costs, the commission shall develop alternative, innovative funding techniques that take into account the appropriateness of local funding for the operation and maintenance of accessways that serve primarily local needs. If the commission identifies a state agency as the appropriate agency to assume management responsibility and such agency does not accept such responsibility, the agency shall, by December 31 of the year in which the commission completes its report, advise the commission of its reasons why it did not or cannot accept such responsibility. The State Coastal Conservancy shall take those actions it deems appropriate, including necessary agreements, to negotiate or otherwise accomplish the acceptance of management responsibility by the agency identified by the commission.

(Added by Ch. 840, Stats. 1979.)

Section 30532 Agreements and grants

The commission may enter into agreements with or issue grants to any public agency for the purpose of assisting the commission in meeting the requirements of this article. The commission shall, to the extent available funding permits, enter into agreements with those state agencies that currently operate some form of public coastal access program for the purpose of completing the inventory required by subdivision (a) of Section [30531](#). The commission shall enter into an agreement with the State Coastal Conservancy to provide the funding necessary for the conservancy to carry out its responsibilities pursuant to this article and Chapter 9 (commencing with [Section 31400](#)) of Division 21.

(Added by Ch. 840, Stats. 1979.)

Section 30533 (Repealed by Ch. 728, Stats. 2012)

Section 30534 Handling of offers to dedicate real property

The commission shall, within 10 days after receiving evidence of recordation of any offer to dedicate real property for access to or along the coast, which dedication was required as a condition to the issuance of a coastal development permit, forward a copy of such evidence and a description of such real property to the Department of Parks and Recreation, the State Coastal Conservancy, and the State Lands Commission.

(Added by Ch. 840, Stats. 1979.)

CHAPTER 7
DEVELOPMENT CONTROLS
ARTICLE I
GENERAL PROVISIONS

Section

<u>30600</u>	Coastal development permit; procedures prior to certification of local coastal program
<u>30600.1</u>	Final discretionary approval to proceed with development; permit not issued; housing for persons or families of low or moderate income
<u>30600.5</u>	Delegation of authority for issuance of coastal development permits to local governments; exceptions; application, review and appeal procedures; minimum standards; adoption of ordinance
<u>30600.6</u>	Delegation of authority to issue coastal development permits; funding of new costs; fees; reimbursement
<u>30600.7</u>	Modification of refinery or petrochemical facility prior to delegation of permit authority; permit requirements
<u>30601</u>	Developments requiring coastal development permit from Commission
<u>30601.3</u>	Coastal development permit applications; processing criteria; standard of review; application fee; adoption of guidelines
<u>30601.5</u>	Applications by holders of non-fee interest; notice; demonstration of authority to comply with conditions of approval
<u>30602</u>	Appeals; acts before certification of local program; finality of acts
<u>30603</u>	Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission
<u>30603.1</u>	Adjustment of inland boundary; readjustments
<u>30604</u>	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
<u>30605</u>	Public works or state university or college or private university long-range land use development; plans
<u>30606</u>	Public works or state university or college long-range land use development; notice of impending development
<u>30607</u>	Permit; terms and conditions
<u>30607.1</u>	Wetlands dike and fill development; mitigation measures
<u>30607.2</u>	Low or moderate income housing; incorporation of conditions into coastal development permits; amendment or modification
<u>30607.5</u>	City of San Diego; protection of vernal pools
<u>30607.7</u>	Coastal development permit for sand replenishment; requirements
<u>30607.8</u>	Low Cost Coastal Accommodations (<i>Added by Ch. 838, Stats. 2017</i>)
<u>30608</u>	Vested rights; prior permits; conditions
<u>30608.5</u>	(REPEALED)
<u>30609</u>	Permits under prior law; modification; continuation
<u>30609.5</u>	State lands between the first public road and the sea; sale or transfer
<u>30610</u>	Development authorized without permit
<u>30610.1</u>	Single family residence construction; criteria
<u>30610.2</u>	Single family residence construction; certification of exemption
<u>30610.3</u>	Inadequate public access through subdivided area; adoption of access program; financing; in-lieu fees
<u>30610.4</u>	Single family residence construction; designation of areas where coastal development permit not required

30610.5	Urban land areas; exclusion from permit provisions; conditions
30610.6	Sea Ranch in Sonoma County
30610.8	Hollister Ranch; public access program; in-lieu fee; additional conditions to permits; implementation
30610.9	Film production projects in coastal zones; expedited permit procedures
30611	Emergencies; waiver of permit
30612	Application for demolition of structure
30613	Lands subject to public trust which are filled, developed and committed to urban uses; coastal development permits; local coastal programs; categorical or urban exclusion
30614	Responsibility of commission to ensure coastal development permit conditions are enforced and do not expire during term of permit; release of housing units for persons and families of low or moderate income

ARTICLE 2 DEVELOPMENT CONTROL PROCEDURES

Section

30620	Interim procedures; permanent procedures; filing fees and expense reimbursements; frivolous appeals
30620.1	Coastal Act Services Fund created; purpose; annual transfer
30620.2	Coastal Access Account created; purpose
30620.5	Local government exercising option under Section 30600(b)
30620.6	Public notice and appeal procedures; time for adoption
30621	De novo hearings; notice; time; filing of appeals
30622	Action on permit application or appeal
30623	Stay of appeal
30624	Emergency cases and certain nonemergency developments; issuance of permits without compliance with procedures; requests that permits not be effective
30624.7	Waivers from permit requirements for de minimis developments; procedure for issuance
30624.9	Minor development; waivers of permit application hearings; notice
30625	Persons who may appeal; powers of reviewing body; effect of decisions
30626	Reconsideration
30627	Procedures for reconsideration

ARTICLE I GENERAL PROVISIONS

Section 30600 Coastal development permit; procedures prior to certification of local coastal program

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in [Section 21066](#), wishing to perform or undertake any development in the coastal zone, other than a facility subject to [Section 25500](#), shall obtain a coastal development permit.

(b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections [30604](#), [30620](#), and [30620.5](#), establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.

(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

(c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).

(d) After certification of its local coastal program or pursuant to the provisions of Section [30600.5](#), a coastal development permit shall be obtained from the local government as provided for in Section [30519](#) or Section [30600.5](#).

(e) This section does not apply to any of the following projects, except that notification by the agency or public utility performing any of the following projects shall be made to the commission within 14 days from the date of the commencement of the project:

(1) Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to [Chapter 7 \(commencing with Section 8550\) of Division 1 of Title 2 of the Government Code](#).

(2) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in [Section 360 of the Vehicle Code](#), except for a highway designated as an official state scenic highway pursuant to [Section 262 of the Streets and Highways Code](#), within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(Amended by: Ch. 1173, Stats. 1981; Ch. 825, Stats. 1996.)

Section 30600.1 Final discretionary approval to proceed with development; permit not issued; housing for persons or families of low or moderate income

(a) In the event that an applicant for a coastal development permit had, prior to January 1, 1982, received from the appropriate local government final discretionary approval to proceed with a proposed development, but had not been issued a coastal development permit prior to that date, the provisions of subdivision (b) or (c) shall apply to any requirements for housing for persons or families of low or moderate income which may be applicable to the proposed development.

(b) In the event that the commission has approved an application for a coastal development permit, but the applicant has not complied with conditions in regard to such housing which were imposed by the commission as part of its approval, the applicant shall do either of the following:

(1) Comply with the housing and other applicable conditions imposed by the commission, in which event the coastal development permit shall be issued and the provisions of [Section 65590 of the Government Code](#) shall not apply to the development.

(2) Apply to the appropriate local government as provided in [Section 65590.1 of the Government Code](#) to have that local government apply the requirements of [Section 65590 of the Government Code](#) to the proposed development, in which event, no condition previously imposed by the commission with respect to such housing shall be applicable to the proposed development.

(c) In the event that application has not been acted upon prior to January 1, 1982, the commission shall process the application as otherwise required by this division, but shall not impose any condition or requirement with respect to housing for persons or families of low or moderate income on the proposed development. The applicant shall apply to the appropriate local government as provided in [Section 65590.1 of the Government Code](#) to have that local government apply the requirements of [Section 65590 of the Government Code](#) to the proposed development. The commission, at its discretion, may defer action on this application until the local government has acted to apply the requirements of [Section 65590 of the Government Code](#). The time limits otherwise applicable to commission action on this application shall be stayed during any such period of deferral. If however any such application is for a conversion of a residential dwelling as defined in paragraph (1) of subdivision (g) of [Section 65590 of the Government Code](#), the commission shall not defer processing of such application but shall defer the final issuance of a coastal development permit until the local government has applied the requirements of [Section 65590 of the Government Code](#).

(Added by Ch. 43, Stats. 1982.)

Section 30600.5 Delegation of authority for issuance of coastal development permits to local governments; exceptions; application, review and appeal procedures; minimum standards; adoption of ordinance

(a) Prior to the certification of a local coastal program and notwithstanding the provisions of subdivision (a) of Section [30519](#), after the effective date of this section, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section [30600](#)) shall be delegated to local governments pursuant to the provisions of this section.

(b) Except for any development specified in subdivision (b) of Section [30519](#) and Section [30601](#) or with respect to any development proposed by any state agency, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section [30600](#)) shall be delegated to the respective local governments within 120 days after (1) the effective date of certification of a land use plan pursuant to Chapter 6 (commencing with Section [30500](#)) or (2) the effective date of this section, whichever occurs last. This delegation shall only apply with respect to those areas governed by the certified land use plan or a certified portion thereof, applicable to an identifiable geographic area.

(c) Notwithstanding any other provision of this division, after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by the respective local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan.

(d) Any action taken by a local government on a coastal development permit application pursuant to the provisions of this section may be appealed to the commission pursuant to Section [30602](#). The commission shall hear an appeal brought pursuant to the provisions of this section, unless it determines that the local government action taken raises no substantial issue as to conformity with the certified land use plan. For purposes of this subdivision, failure by any local government to act within any time limit specified in this division shall constitute an "action taken."

(e) The commission shall, following a public hearing and within 90 days after the effective date of this section, adopt minimum standards for public notice, hearing, and appeal procedures to govern local government review of coastal development permit applications pursuant to this section. The standards shall, as nearly as practical, follow the standards required for local agencies after certification of local coastal programs for appealable developments and shall ensure that the notice and hearing required for the coastal development permit can be provided at the same time as the notice and hearing requirements for other local land use decisions which may be necessary for the project requiring the permit. Within 60 days prior to assumption of authority for issuance of coastal development permits pursuant to this section, the local government shall provide drafts of all procedures for issuance of coastal development permits to the executive director of the commission. Delegation of the authority to issue coastal development permits pursuant to subdivision (b) shall not occur until the local government has provided copies of all the adopted procedures for the issuance of coastal development permits to the executive director of the commission. Any amendments to the procedures shall also be furnished to the executive director for his information.

(f) Prior to the delegation of authority to issue coastal development permits as provided in subdivision (b), a local government, after appropriate notice and hearing, shall adopt an ordinance prescribing the procedures to be used in issuing such coastal development permits. Each such ordinance shall incorporate at least the minimum standards for public notice, hearings, and appeals established by the commission pursuant to subdivision (e). In addition, each such ordinance shall contain provisions which prohibit the issuance of a coastal development permit for any development which may conflict with the ordinances which are being prepared to implement the certified land use plan.

(g) In order to expedite certification of complete local coastal programs and the transfer of coastal development controls to local government, the commission shall, on request from a local government, prepare the ordinances necessary for the local government to implement the coastal permit responsibilities of this division.

(h) The time limits set forth in subdivision (b) shall be extended, by right, for not more than 90 days if a local government, by resolution of its governing body, so requests.

(i) The provisions of this section and of any local ordinance enacted pursuant thereto shall have no further force or effect or application after that local government's local coastal program has been certified and taken effect pursuant to the provisions of this division.

(j) This section shall become inoperative and shall have no force or effect on the date, if any, of a final judicial decision that its provisions are of inconsistent with the requirements of the federal coastal act.

(Added by Ch. 1173, Stats. 1981; Amended by Ch. 43, Stats. 1982.)

Section 30600.6 Delegation of authority to issue coastal development permits; funding of new costs; fees; reimbursement

(a) The Legislature finds that some new cost may be incurred by local governments when the authority to issue coastal development permits is delegated to these local governments as provided in Section [30600.5](#). It is the intent of the Legislature that during the period prior to certification of a local government's local coastal program these new costs shall be funded as provided in this section.

(b) If a local government has been delegated authority to issue coastal development permits as provided in Section [30600.5](#), any new costs incurred by reason thereof shall be recovered from fees charged to individual permit applicants. Such fees shall cover only those costs which meet all of the following criteria:

(1) The costs are attributable to the actual issuance of coastal development permits, including a pro rata share of general administrative costs.

(2) The costs would not have been incurred except for the delegation of authority to issue coastal development permits as provided in Section [30600.5](#).

(3) The costs are of a type which would not normally be incurred by the local government in carrying out its land use planning and regulatory responsibilities pursuant to other provisions of law.

(c) A local government may elect not to levy fees as provided in this section. If the local government does not levy such fees, it shall not be eligible to be reimbursed for such costs pursuant to other provisions of law.

(d) After certification of its local coastal program, each respective local government shall be reimbursed for costs associated with implementation of that local coastal program as provided in Article 4 (commencing with Section [30350](#)) of Chapter 4.

(Added by Ch. 43, Stats. 1982.)

Section 30600.7 Modification of refinery or petrochemical facility prior to delegation of permit authority; permit requirements

Where, prior to delegation of coastal permit authority pursuant to Section [30519](#), a modification of a refinery facility or petrochemical facility is necessary to comply with a goal, policy, or requirement of an air pollution control district, the State Air Resources Board, or the Environmental Protection Agency to provide for reformulated or alternative fuels, that modification shall require a coastal development permit from the commission only, notwithstanding the option afforded local governments under subdivision (b) of Section [30600](#).

(Added by Ch. 535, Stats. 1991)

Section 30601 Developments requiring coastal development permit from Commission

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section [30600](#), a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

(Amended by Ch. 1173, Stats. 1981.)

Section 30601.3 Coastal development permit application; processing criteria; standard of review; application fee; adoption of guidelines

(a) Notwithstanding Section [30519](#), the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section [30200](#)), with the appropriate local coastal program used as guidance.

(c) The application fee for a consolidated coastal development permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section [30620](#).

(Added by Ch. 294, Stats. 2006.)

Section 30601.5 Applications by holders of non-fee interest; notice; demonstration of authority to comply with conditions of approval

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

(Added by Ch. 43, Stats. 1982.)

Section 30602 Appeals; actions before certification of local program; finality of actions

Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission. The action shall become final at the close of business on the 20th working day from the date of receipt of the notice required by subdivision (c) of Section [30620.5](#), unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is

imposed pursuant to subdivision (d) of Section [30620](#) and is not deposited with the commission within the time prescribed.

(Amended by Ch. 1173, Stats. 1981; Ch. 669, Stats. 1995.)

Section 30603 Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section [30500](#)).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section [30620](#) and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

(Amended by: Ch. 43, Stats. 1982; Ch. 1030, Stats. 1991; Ch. 525, Stats. 1994; Ch. 669, Stats. 1995.)

Section 30603.1 Adjustment of inland boundary; readjustments

(a) In any city and county which so requests, the commission may adjust the inland boundary of the area within which the issuance of coastal development permits may be appealed to the commission pursuant to paragraph (1) of subdivision (a) of Section [30603](#). Any such adjustment shall be made solely to avoid the circumstances of having the boundary of that area bisect an individual parcel of property. The

adjustment may be made landward or seaward, but shall be the minimum distance necessary, consistent with the policies of Chapter 3 (commencing with Section [30200](#)), to avoid bisecting a parcel of property.

(b) If the commission subsequently finds that the circumstances which warranted a boundary adjustment pursuant to subdivision (a) have changed, it may, after notice to the city and county, readjust the boundary so that it is consistent with the changed circumstances. The requirements of subdivision (a) shall apply to any such boundary adjustment.

(Added by Ch. 43, Stats. 1982.)

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.

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 285, Stats. 1991; Ch. 793, Stats. 2003, Ch. 578, Stats. 2016.)

Section 30605 Public works or state university or college or private university long-range land use development; plans

To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section [30500](#)). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section [30200](#)). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections [30607](#) and [30607.1](#). A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.

(Amended by Ch. 600, Stats. 1983.)

Section 30606 Public works or state university or college or private university long-range land use development; notice impending development

Prior to the commencement of any development pursuant to Section [30605](#), the public agency proposing the public works project, or state university or college or private university, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after the notice.

(Amended by Ch. 600, Stats. 1983.)

Section 30607 Permit; terms and conditions

Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this division.

Section 30607.1 Wetlands dike and fill development; mitigation measures

Where any dike and fill development is permitted in wetlands in conformity with Section [30233](#) or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

(Amended by Ch. 1088, Stats. 1992.)

Section 30607.2 Low or moderate income housing; incorporation of conditions into coastal development permits; amendment or modification

(a) Conditions requiring housing for persons and families of low or moderate income, as defined in [Section 50093 of the Health and Safety Code](#), which were incorporated into a coastal development permit issued prior to January 1, 1982, may, at the request of the permittee, be amended or modified by the commission or by a local government having the authority to issue coastal development permits. In approving such amendments or modifications, only those conditions and requirements authorized by [Section 65590 of the Government Code](#) may be imposed on the permittee.

(b) Any person who, prior to January 1, 1982 has been issued a coastal development permit which contains requirements for low and moderate-income housing but who, prior to January 1, 1982, has not performed substantial work on the development site (such as grading, installation of streets, sewers or utilities or construction of major buildings) may elect to proceed under either of the following options:

(1) To proceed pursuant to all of the requirements of the coastal development permit, in which event the provisions of subdivision (a) shall apply to any subsequent request to amend or alter the coastal development permit in regard to housing requirements.

(2) To proceed without complying with the housing requirements contained in the coastal development permit, in which event the housing requirements for the development shall be governed by [Section 65590 of the Government Code](#).

(c) No new coastal development permit or amendment to any existing permit for a sewer project shall be denied, restricted, or conditioned in order to implement housing policies or programs.

(d) Nothing in this section shall authorize or require the modification or amendment to any terms or conditions of any previously issued coastal development permit which guarantees housing opportunities for persons and families of low or moderate income where the term or condition has been met through an agreement executed and recorded on or before January 1, 1982, between an applicant and the commission. For previously approved or issued permits which involve new construction of less than 10 residential units, an executed and recorded agreement guaranteeing housing opportunities for persons or families of low or moderate income, which has not been implemented by the transfer of an interest in real property or payment of a fee to a public agency or non profit association for the purpose of providing these housing

opportunities, shall be voided if the applicant records the notice provided by the executive director of the commission. Further, nothing in this section shall impair the commission's authority to deny, restrict, or condition new permits or amendments to existing permits based on any requirement of this division.

(e) Nothing in this section authorizes or requires the modification of or amendment to any terms or conditions in Permit No.P-80-419 issued by the commission with respect to the reservation or administration of sewer capacity for affordable housing in the San Mateo County local coastal program.

(Added by Ch. 1007, Stats. 1981; Amended by: Ch. 43, Stats. 1982; Ch. 1617, Stats. 1982; Ch. 1500, Stats. 1984.)

Section 30607.5 City of San Diego; protection of vernal pools

Within the City of San Diego, the commission shall not impose or adopt any requirements in conflict with the provisions of the plan for the protection of vernal pools approved and adopted by the City of San Diego on June 17, 1980, following consultation with state and federal agencies, and approved and adopted by the United States Army Corps of Engineers in coordination with the United States Fish and Wildlife Service.

(Added by Ch. 892, Stats. 1980.)

Section 30607.7 Coastal development permit for sand replenishment; requirements

(a) A coastal development permit for sand replenishment requires the project applicant to provide onsite monitoring and supervision during the implementation of the permit.

(b) A permit subject to subdivision (a) may not be issued until the project applicant provides the issuing agency with a plan for onsite monitoring and supervision during the implementation of the permit.

(Added by Ch. 285, Stats, 2003.)

30607.8 Lower Cost Coastal Accommodations

(a) The commission shall, when assessing or directing the use of any reclaimed in-lieu fees for any coastal development project, consider the lower cost coastal accommodations assessment required to be prepared pursuant to subdivision (a) of [Section 31413](#).

(b)(1) The commission may reclaim any in-lieu fee assessed that has not been expended within seven years of the date of its deposit with the appropriate entity, and reassign any such fee for use for one or more projects that are consistent with [Section 30213](#), including lower cost coastal accommodations funded under Chapter 10 (commencing with [Section 31411](#)), if the executive director makes a written determination that the original intent of the in-lieu fee will be better utilized by the reassignment to those projects.

(2) This subdivision is not intended, and shall not be construed, to authorize the commission to alter or abrogate coastal development permit conditions in a manner that would violate a provision of this division or any other law.

(c) For purposes of this section, "in-lieu fee" means any fee paid as a condition for issuance of a coastal development permit to mitigate impacts associated with the development of lower cost coastal visitor-serving projects.

(Added by Ch. 838, Stats. 2017.)

Section 30608 Vested rights; prior permits; conditions

No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (former Division 18 (commencing with Section 27000)) shall be required to secure approval for the development pursuant to this division. However, no substantial change may be made in the development without prior approval having been obtained under this division.

(Amended by Ch. 538, Stats. 2006.)

Section 30608.5 (Repealed by Ch. 294, Stats. 2006.)

Section 30609 Permits under prior law; modification; continuation

Where, prior to January 1, 1977, a permit was issued and expressly made subject to recorded terms and conditions that are not dedications of land or interests in land for the benefit of the public or a public agency pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), the owner of real property which is the subject of such permit may apply for modification or elimination of the recordation of such terms and conditions pursuant to the provisions of this division. Such application shall be made in the same manner as a permit application. In no event, however, shall such a modification or elimination of recordation result in the imposition of terms or conditions which are more restrictive than those imposed at the time of the initial grant of the permit. Unless modified or deleted pursuant to this section, any condition imposed on a permit issued pursuant to the former California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall remain in full force and effect.

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.

(Added by Ch. 822, Stats. 1999.)

Section 30610 Developments authorized without permit

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in [Section 11212 of the Business and Professions Code](#). If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in [Section 783 of the Civil Code](#), shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of [Chapter 3.5 \(commencing with Section 11340\) of Part 1 of Division 3 of Title 2 of the Government Code](#).

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section [30200](#)).

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 43, Stats. 1982; Ch. 1470, Stats. 1982; Ch. 1088, Stats. 1992; Ch. 697, Stats. 2004.)

Section 30610.1 Single family residence construction; criteria

(a) Prior to certification of the applicable local coastal program, no coastal development permit shall be required for the construction of a single-family residence on any vacant lot meeting the criteria set forth in subdivision (c) and located in a specified area designated by the commission pursuant to subdivision (b).

(b) Within 60 days from the effective date of this section, the commission shall designate specific areas in the coastal zone where the construction of a single-family residence on a vacant lot meeting the criteria set forth in subdivision (c) shall not require a coastal development permit. Areas shall be designated for the exclusion provided for in this section if construction of single-family residences within the area to be designated has no potential, either individually or cumulatively, for significant adverse impacts on highly scenic resources of public importance, on environmentally sensitive areas, on prime agricultural land or on agricultural lands currently in production, or on public access to or along the coast.

In addition, if septic tanks will be required or used, an area identified as having septic tank problems by the appropriate regional water quality control board or the State Water Resources Control Board in an approved basin plan or by other formal action of such board may not be designated for exclusion pursuant to this section.

(c) Within areas designated pursuant to subdivision (b), no coastal development permit shall be required for the construction of a single-family residence on any vacant lot which meets all of the following criteria:

(1) It is not located between the first public road and the sea or immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach.

(2) Is a legal lot as of the effective date of this section and conforms with the minimum lot size and lot use designations of the applicable general plan and zoning ordinances.

(3) Is not located within an area known to the affected local government, or designated by any other public agency, as a geologic hazard area or as a flood hazard area, or, if located within such an area, it has been determined by the affected local government to be a safe site for the construction of a single-family residence.

(4) Is no more than 250 feet from an existing improved road adequate for use throughout the year.

(5) Can be served by an adequate water supply that is legally available for use either by means of a well or by means of a connection to a water system with sufficient capacity to serve such lot or lots; provided, that no such connection shall require the extension of an existing water main which would have the capacity of serving four or more additional single-family residential structures.

(d) The commission shall, within 120 days from the effective date of this section, specify uniform criteria that shall be used to determine the location of "the first public road" and the inland extent of any beach for purposes of paragraph (1) of subdivision (c).

(e) Within 30 days after the 120-day period specified in subdivision (b), the commission shall report the Legislature and the Governor what has been done to carry out the provisions of this section.

(f) The provisions of this section shall apply notwithstanding any other provision of this division to the contrary.

(Added by Ch. 919, Stats. 1979.)

Section 30610.2 Single family residence construction; certification of exemption

(a) Any person wishing to construct a single-family residence on a vacant lot within an area designated by the commission pursuant to subdivision (b) of Section [30610.1](#) shall, prior to the commencement of construction, secure from the local government with jurisdiction over the lot in question a written certification or determination that the lot meets the criteria specified in subdivision (c) of Section [30610.1](#) and is therefore exempt from the coastal development permit requirements of this division. A copy of every certification of exemption shall be sent by the issuing local government to the commission within five working days after it is issued.

(b) If the commission does not designate the areas within the coastal zone as required by subdivision (b) of Section [30610.1](#) within the 60 days specified therein, a local government may make the certification authorized by subdivision (a) of this section without regard to the requirements of subdivision (b) of Section [30610.1](#).

(Added by Ch. 919, Stats. 1979; Amended by: Ch. 1087, Stats. 1980 & Ch. 285, Stats. 1991.)

Section 30610.3 Inadequate public access through subdivided area; adoption of access program; financing; in-lieu fees

(a) Whenever the commission determines (1) that public access opportunities through an existing subdivided area, which has less than 75 percent of the subdivided lots built upon, or an area proposed to be subdivided are not adequate to meet the public access requirements of this division and (2) that individual owners of vacant lots in those areas do not have the legal authority to comply with public access requirements as a condition of securing a coastal development permit for the reason that some other person or persons has legal authority, the commission shall implement public access requirements as provided in this section.

(b) The commission, on its own motion or at the request of an affected property owner, shall identify an area as meeting the criteria specified in subdivision (a). After an area has been identified, the commission shall, after appropriate public hearings adopt a specific public access program for the area and shall request that the State Coastal Conservancy, established pursuant to Division 21 (commencing with [Section 31000](#)), implement the program. The access program shall include, but not be limited to, the identification of specific land areas and view corridors to be used for public access, any facilities or other development deemed appropriate, the commission's recommendations regarding the manner in which public access will be managed, and the types of permitted public uses. The State Coastal Conservancy shall, pursuant to its authority, implement the public access program.

(c) The State Coastal Conservancy shall be authorized to expend funds when appropriated from the Coastal Access Account for the purchase of lands and view easements and to pay for any development needed to carry out the public access program specified in subdivision (a). Not more than 5 percent of the amount of funds necessary to carry out each public access program may be provided as a grant to the State Coastal Conservancy for its administrative costs incurred in carrying out the access program.

(d) The State Coastal Conservancy may enter into any agreement it deems necessary and appropriate with any state or local public agency or with a private association authorized to perform those functions for the operation and maintenance of any access facilities acquired or developed pursuant to this section.

(e) Every person receiving a coastal development permit or a certificate of exemption for development on any vacant lot within an area designated pursuant to this section shall, prior to the commencement of construction, pay to the commission, for deposit in the Coastal Access Account, an "in-lieu" public access fee. The amount of each fee shall be determined by dividing the cost of acquiring the specified lands and view easements by the total number of lots within the identified area. The proportion

of acquisition cost that can be allocated to lots built upon pursuant to permits that were not subject to public access conditions under this division or the California Coastal Zone Conservation Act of 1972 (former Division 18 (commencing with Section 27000)) shall be paid from the Coastal Access Account. An "in-lieu" public access fee may be in the form of an appropriate dedication, in which event the lots to which the dedication can be credited shall not be counted toward the total number of lots used in arriving at the "in-lieu" public access fee share for each remaining lot.

(f) For purposes of determining the acquisition costs specified in subdivision (e), the State Coastal Conservancy may, in the absence of a fixed price agreed to by both the State Coastal Conservancy and the seller, specify an estimated cost based on a formal appraisal of the value of the interest proposed to be acquired. The appraisal shall be conducted by an independent appraiser under contract with the State Coastal Conservancy and shall be completed within 120 days of the adoption of the specific public access program by the commission pursuant to subdivision (b). The appraisal shall be deemed suitable for all purposes of the Property Acquisition Law (Part 11, (commencing with [Section 15850 of the Government Code](#))). For every year following public acquisition of the interests in land specified as part of a public access program and prior to payment of the required "in-lieu" fee, a carrying cost factor equal to 5 percent of the share attributable to each lot shall be added to any unpaid "in-lieu" public access fee, provided, however, that a lot owner may pay the "in-lieu" public access fee at any time after public acquisition in order to avoid payment of the carrying cost factor.

(g) No provision of this section may be applied within any portion of the unincorporated area in the County of Sonoma, commonly known as the Sea Ranch.

(Added by Ch. 919, Stats, 1979; Amended by Ch. 337, Stats, 2003; Ch. 183, 2004.)

Section 30610.4 Single family residence construction; designation of areas where coastal development permit not required

Upon establishment of an acquisition cost pursuant to subdivision (f) of Section [30610.3](#), the commission shall review the area in question to determine if all or some portion of that area meets the criteria specified in subdivision (b) of Section [30610.1](#) for areas within which no coastal development permit will be required from the commission for construction of single-family residences. Notwithstanding paragraph (1) of subdivision (c) of Section [30610.1](#), lots other than those immediately adjacent to any beach or to the mean high tide line where there is no beach can be included in such an exclusion area. If the commission determines an area designated pursuant to subdivision (b) of Section [30610.3](#) meets that criteria, the area shall be designated as one wherein no coastal development permit from the commission shall be required for the construction of single-family residences.

(b) Prior to the commencement of construction of any single-family residence within an area designated pursuant to this section, a certificate of exemption must be obtained pursuant to Section [30610.2](#) and the appropriate "in-lieu" public access fee shall be paid.

(Added by Ch. 919, Stats. 1979; Amended by Ch. 285, Stats. 1991.)

Section 30610.5 Urban land areas; exclusion from permit provisions; conditions

Urban land areas shall, pursuant to the provisions of this section, be excluded from the permit provisions of this chapter.

(a) Upon the request of a local government, an urban land area, as specifically identified by such local government, shall, after public hearing, be excluded by the commission from the permit provisions of this chapter where both of the following conditions are met:

(1) The area to be excluded is either a residential area zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977.

(2) The commission finds both of the following:

(i) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(ii) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted development; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(b) Every exclusion granted under subdivision (a) of this section and subdivision of (e) Section [30610](#) shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section [30610](#), but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section [30610](#).

(Amended by Ch. 1087, Stats. 1980.)

Section 30610.6 Sea Ranch in Sonoma County

(a) The Legislature hereby finds and declares that it is in the public interest to provide by statute for the resolution of the lengthy and bitter dispute involving development of existing legal lots within the unincorporated area of Sonoma County, commonly known as the Sea Ranch. The reasons for the need to finally resolve this dispute include:

(1) Acknowledgment by the responsible regulatory agencies that development of existing lots at Sea Ranch can proceed consistent with the provisions of this division and other applicable laws provided certain conditions have been met. Development has been prevented at considerable costs to property owners because these conditions have not been met.

(2) That it has been, and continues to be, costly to Sea Ranch property owners and the public because of, among other reasons, extensive and protracted litigation, continuing administrative proceedings, and escalating construction costs.

(3) The need to provide additional public access to and along portions of the coast at the Sea Ranch in order to meet the requirements of this division. The continuation of this dispute prevents the public from enjoying the use of such access opportunities.

(4) The commission is unable to refund 118 "environmental deposits" to property owners because coastal development permit conditions have not been met.

(5) It appears likely that this lengthy dispute will continue unless the Legislature provides a solution, and the failure to resolve the dispute will be unfair to property owners and the public.

(b) The Legislature further finds and declares that because of the unique circumstances of this situation, the provisions of this section constitute the most expeditious and equitable mechanism to ensure

a timely solution that is in the best property owners and that is consistent with the requirements of this division.

(c) If the Sea Ranch Association and Oceanic California, Inc. desire to take advantage of the terms of this section, they shall, not sooner than April 1, 1981, and not later than July 1, 1981, deposit into escrow deeds and other necessary documents that have been determined by the State Coastal Conservancy prior to their deposit in escrow to be legally sufficient to convey to the State Coastal Conservancy enforceable and nonexclusive public use easements free and clear of liens and encumbrances for the easements specifically described in this subdivision. Upon deposit of five hundred thousand dollars (\$500,000) into the same escrow account by the State Coastal Conservancy, but in no event later than 30 days after such deeds and other necessary documents have been deposited in the escrow account, the escrow agent shall transmit the five hundred thousand dollars (\$500,000), less the escrow, title, and administrative costs of the State Coastal Conservancy, in an amount not to exceed twenty thousand dollars (\$20,000), to the Sea Ranch Association and shall convey such deeds and other necessary documents to the State Coastal Conservancy. The conservancy shall subsequently convey such deeds and other necessary documents to an appropriate public agency that is authorized and agrees to accept such easements. The deeds specified in this subdivision shall be for the following easements:

(1) In Unit 34A, a 30-foot wide vehicle and pedestrian access easement from a point on State Highway 1, 50 feet north of a mile post marker 56.75, a day parking area for 10 vehicles, a 15-foot wide pedestrian accessway from the parking area continuing west to the bluff-top trail, and a 15-foot wide bluff-top pedestrian easement beginning at the southern boundary of Gualala Point County Park and continuing for approximately three miles in a southerly direction to the sandy beach at the northern end of Unit 28 just north of Walk-on Beach together with a 15-foot wide pedestrian easement to provide a connection to Walk-on Beach to the south.

(2) In Unit 24, a day parking area west of State Highway 1, just south of Whalebone Reach, for six vehicles, and a 15-foot wide pedestrian accessway over Sea Ranch Association common areas crossing Pacific Reach and continuing westerly to the southern portion of Shell Beach with a 15-foot wide pedestrian easement to connect with the northern portion of Shell Beach.

(3) In Unit 36, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 53.96, a day parking area for 10 vehicles, and a 15-foot wide pedestrian accessway from the parking area to the beach at the intersection of Units 21 and 36.

(4) In Unit 17, adjacent to the intersection of Navigator's Reach and State Highway 1, 75 feet north of mile post marker 52.21, enough land to provide day parking for four vehicles and a 15-foot wide pedestrian accessway from the parking area to Pebble Beach.

(5) In Unit 8, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 50.85, a day parking area for 10 vehicles and a 15-foot wide pedestrian accessway from the parking area to Black Point Beach.

(6) With respect to each of the beaches to which access will be provided by the easements specified in this subdivision, an easement for public use of the area between the line of mean high tide and either the toe of the adjacent bluff or the first line of vegetation, whichever is nearer to the water.

(7) Scenic view easements for those areas specified by the executive director, as provided in subdivision (d), and which easements allow for the removal of trees in order to restore and preserve scenic views from State Highway 1.

(d) The executive director of the commission shall, within 30 days after the effective date of this section, specifically identify the areas along State Highway 1 for which the scenic view easements provided for in paragraph (7) of subdivision (c) will be required. In identifying the areas for which

easements for the restoration and preservation of public scenic views will be required, the executive director shall take into account the effect of tree removal so as to avoid causing erosion problems. It is the intent of the Legislature that only those areas be identified where scenic views to or along the coast are unique or particularly beautiful or spectacular and which thereby take on public importance. The restoration and preservation of the scenic view areas specified pursuant to this subdivision shall be at public expense.

(e) Within 30 days after the effective date of this section, the executive director of the commission shall specify design criteria for the height, site, and bulk of any development visible from the scenic view areas provided for in subdivision (d). This criteria shall be enforced by the County of Sonoma if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy. This criteria shall be reasonable so as to enable affected property owners to build single-family residences of substantially similar overall size to those that property owners who are not affected by these criteria may build or have already built under the Sea Ranch Association's building design criteria. The purpose of such criteria is to ensure that development will not substantially detract from the specified scenic view areas.

(f) On and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, no additional public access requirements shall be imposed at the Sea Ranch pursuant to this division by any regional commission, the commission, any other state agency, or any local government. The Legislature hereby finds and declares that the provisions of the access facilities specified in this subdivision shall be deemed adequate to meet the requirements of this division.

(g) The realignment of internal roads within the Sea Ranch shall not be required by any state or local agency acting pursuant to the provisions of this division. However, that appropriate easements may be required by the County of Sonoma to provide for the expansion of State Highway 1 for the development of turnout and left-turn lanes and for the location of a bicycle path, when the funds are made available for such purposes. The Legislature finds and declares that the provisions of this subdivision is adequate to meet the requirements of this division to ensure that new development at the Sea Ranch will not overburden the capacity of State Highway 1 to the detriment of recreational users.

(h) No coastal development permit shall be required pursuant to this division for the development of supplemental water supply facilities determined by the State Water Resources Control Board to be necessary to meet the needs of legally permitted development within the Sea Ranch. The commission, through its executive director, shall participate in the proceedings before the State Water Resources Control Board relating to such facilities and may recommend terms and conditions that the commission deems necessary to protect against adverse impacts on coastal zone resources. The State Water Resources Control Board shall condition any permit or other authorization for the development of such facilities so as to carry out the commission's recommendation, unless the State Water Resources Control Board determines that any such recommended terms or conditions are unreasonable. This subdivision shall become operative if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(i) Within 90 days after the effective date of this section, the commission, through its executive director, shall specify criteria for septic tank construction, operation, and monitoring within the Sea Ranch to ensure protection of coastal zone resources consistent with the policies of this division. The North Coast Regional Water Quality Control Board shall review such criteria and adopt it, unless it finds such criteria or a portion thereof is unreasonable. The regional board shall be responsible for the enforcement of any such adopted criteria if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(j) Within 60 days after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, the commission

shall refund every Sea Ranch "environmental deposit" together with any interest earned on such deposit to the person, or his or her designee, who paid such deposit.

(k) Notwithstanding any other provision of law, on and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, a coastal development permit shall not be required pursuant to this division for the construction of any single-family residence dwelling on any vacant, legal lot existing at the Sea Ranch on the effective date of this section. With respect to any other development for which a coastal development permit is required within legally existing lots at the Sea Ranch, no conditions may be imposed pursuant to this division that impose additional public access requirements or that relate to supplemental water supply facilities, septic tank systems, or internal road realignment.

(l) Notwithstanding any other provision of law, if on July 1, 1981, deeds and other necessary documents that are legally sufficient to convey the easements specified in subdivision (c) have not been deposited in an escrow account, the provisions of this section shall no longer be operative and shall have no force or effect and thereafter all the provisions of this division in effect prior to enactment of this section shall again be applicable to any development within the Sea Ranch.

(m) The Legislature hereby finds and declares that the provisions for the settlement of this dispute, especially with respect to public access, as set forth in this section provide an alternative to and are equivalent to the provisions set forth in Section [30610.3](#). The Legislature further finds that the provisions of this section are not in lieu of the permit and planning requirements of this division but rather provide for an alternative mechanism to Section [30610.3](#) for the resolution of outstanding issues at the Sea Ranch.

(Added by Ch. 1371, Stats. 1980; amended by Ch. 538, Stats. 2006.)

Section 30610.8 Hollister Ranch; public access program; in-lieu fee; additional conditions to permits; implementation

(a) The Legislature hereby finds and declares that a dispute exists at the Hollister Ranch in Santa Barbara County with respect to the implementation of public access policies of this division and that it is in the interest of the state and the property owners at the Hollister Ranch to resolve this dispute in an expeditious manner. The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public's welfare.

(b) For purposes of Section [30610.3](#) and with respect to the Hollister Ranch public access program, the in-lieu fee shall be five thousand dollars (\$5,000) for each permit. Upon payment by the applicant for a coastal development permit of this in-lieu fee to the State Coastal Conservancy for use in implementing the public access program, the applicant may immediately commence construction if the other conditions of the coastal development permit, if any, have been met. No condition may be added to a coastal development permit that was issued prior to the effective date of this section for any development at the Hollister Ranch.

(c) It is the intent of the Legislature that the State Coastal Conservancy and the State Public Works Board utilize their authority provided under law to implement, as expeditiously as possible, the public access policies and provisions of this division at the Hollister Ranch in Santa Barbara County.

(d) Notwithstanding provision 2 of category (2) of Item 3760-490-721 of the Budget Act of 1984, all in-lieu fees received pursuant to this section shall be deposited in the State Coastal Conservancy Fund and shall be available for appropriation to the conservancy for the purposes specified in subdivision (d) of [Section 5096.151](#).

(Added by Ch. 43, Stats. 1982; Amended by Ch. 1551, Stats. 1984.)

Section 30610.9 Film production projects in coastal zones; expedited permit procedures

(a) This section applies only if the governing body of a local government elects to designate the commission as the processing and permitting authority for purposes of this section.

(b) In order to expedite the processing of an application for a coastal development permit for a motion picture, television, or commercial production project in the coastal zone, the governing body of a local government with a certified local coastal program may elect to designate the commission as the appropriate authority to process and issue a coastal development permit for a temporary, nonrecurring location set, if the production activity, including preparation, construction, filming, and set removal at the site will not exceed 190 days, in accordance with the following procedures:

(1) The applicant shall submit a copy of the commission's coastal development permit application, or the local coastal development permit application, to the local government. The governing body of the local government may elect to designate the commission as the processing and permitting authority on a project-by-project basis. The governing body may designate the local coastal administrator or other designee as the decision-making authority to decide the projects that will be transmitted to the commission for processing and permitting.

(2) If the governing body of the local government elects to designate the commission as the processing and permitting authority for a project, all documents and changes submitted to the commission during the course of the application process shall also be submitted to the local government for informational purposes. The local government may transmit any recommendations it may have for the project to the commission.

(3) If the commission issues an administrative permit for a project, rather than a coastal development permit, the local coastal administrator, other designee, or governing body, as the case may be, may object to the commission regarding the issuance of that permit.

(4) The applicant shall obtain all local noncoastal use permits in connection with the project. The approval of the commission's coastal development permit shall be conditioned on the approval of the local noncoastal permits.

(5) The applicant shall transmit all complaints and comments from residents and business owners in connection with the filming activity to the commission for consideration prior to the approval of the application.

(6) The applicant shall obtain all other applicable permits required by state and federal jurisdictions in connection with the project.

(Added by Ch. 491, Stats. 1999.)

Section 30611 Emergencies; waiver of permit

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

Section 30612 Application for permit to demolish a structure

An application for a coastal development permit to demolish a structure shall not be denied unless the agency authorized to issue that permit, or the commission, on appeal, where appeal is authorized by this division, finds, based on a preponderance of the evidence, that retention of that structure is feasible.

(Amended by Ch. 1173, Stats. 1981.)

Section 30613 Lands subject to public trust which are filled, developed and committed to urban uses; coastal development permits; local coastal programs; categorical or urban exclusions

(a) The provisions of subdivision (b) of Section [30519](#), subdivision (b) of Section [30600](#), and subdivision (b) of Section [30610.5](#), which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located within an area which is committed to urban uses.

(b) No later than 120 days after receiving a request from a local government, the commission shall determine the lands within the jurisdiction of that local government to which the provisions of subdivision (a) apply.

(c) The provisions of this section shall apply to lands which have been the subject of coastal development permits, local coastal program, categorical exclusions or urban exclusions, which have previously been approved, authorized, or certified by the commission.

(Added by Ch. 43, Stats, 1982.)

Section 30614 Responsibility of commission to ensure coastal development permit conditions are enforced and do not expire during term of permit; release of housing units for persons and families of low or moderate income

(a) The commission shall take appropriate steps to ensure that coastal development permit conditions existing as of January 1, 2002, relating to affordable housing are enforced and do not expire during the term of the permit.

(b) Nothing in this section is intended to retroactively authorize the release of any housing unit for persons and families of low or moderate income from coastal development permit requirements except as provided in [Section 30607.2](#).

(Added by Ch. 297, Stats. 2002.)

ARTICLE 2 DEVELOPMENT CONTROL PROCEDURES

Section 30620 Interim procedures; permanent procedures; filing fees and expense reimbursements; frivolous appeals

(a) By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include, but are not limited to, all of the following:

- (1) Application and appeal forms.

(2) Reasonable provisions for notification to the commission and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to ensure that a preliminary review of that action for conformity with this chapter can be made.

(3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to the certification, and through the preparation and amendment, of local coastal programs. However, the guidelines shall not supersede, enlarge, or diminish the powers or authority of the commission or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of those procedures to each local government within the coastal zone and make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines that the commission determines to be necessary to better carry out the purposes of this division.

(c)(1) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of an application for a coastal development permit under this division and, except for local coastal program submittals, for any other filing, including, but not limited to, a request for revocation, categorical exclusion, or boundary adjustment, that is submitted for review by the commission.

(2) Any coastal development permit fees that are collected by the commission under paragraph (1) shall be deposited in the Coastal Act Services Fund established pursuant to Section 30620.1. This paragraph does not authorize an increase in fees or create any new authority on the part of the commission.

(d) With respect to an appeal of an action taken by a local government pursuant to Section 30602 or 30603, the executive director shall, within five working days of receipt of an appeal from a person other than a member of the commission or a public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of three hundred dollars (\$300) is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded.

(Amended by: Ch. 285, Stats. 1991; Ch. 802, Stats. 1991; Ch. 427, Stats. 1992; Ch. 753, Stats. 1993; Ch. 669, Stats. 1995; Ch. 782, Stats. 1997; Ch. 760, Stats. 2008; Ch. 472, Stats. 2013.)

30620.1. Coastal Act Services Fund created; purpose; annual transfer

(a) The Coastal Act Services Fund is hereby created in the State Treasury, to be administered by the commission. The moneys in the fund, upon appropriation by the Legislature in the annual Budget Act, shall be expended by the commission in accordance with this chapter to enforce the California Coastal Act and to provide services to local government, permit applicants, public agencies, and the public participating in the implementation of this division.

(b) Five hundred thousand dollars (\$500,000), adjusted annually by the application of the [California Consumer Price Index for Urban Consumers](#) as determined by the Department of Industrial Relations pursuant to [Section 2212 of the Revenue and Taxation Code](#), shall be transferred annually from the Coastal Act Services Fund to the Coastal Access Account established pursuant to Section 30620.2.

(Added by Ch. 760, Stats. 2008.)

30620.2. Coastal Access Account created; purpose

The Coastal Access Account is hereby created in the State Coastal Conservancy Fund. The money in the account shall be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new or existing facilities that provide public access to the shoreline of the sea, as defined in Section [30115](#). Any grant funds that are not expended for those purposes shall revert to the account.

(Added by Ch. 760, Stats. 2008.)

Section 30620.5 Local government exercising option under section 30600 subdivision(b)

(a) A local government may exercise the option provided in subdivision (b) of Section [30600](#), if it does so for the entire area of its jurisdiction within the coastal zone and after it establishes procedures for the issuance of coastal development permits. Such procedures shall incorporate, where applicable, the interpretive guidelines issued by the commission pursuant to Section [30620](#).

(b) If a local government elects to exercise the option provided in subdivision (b) of Section [30600](#), the local government shall, by resolution adopted by the governing body of such local government, notify the commission and shall take appropriate steps to assure that the public is properly notified of such action. The provisions of subdivision (b) of Section [30600](#) shall take effect and shall be exercised by the local government on the 10th working day after the date on which the resolution required by this subdivision is adopted.

(c) Every local government exercising the option provided in subdivision (b) of Section [30600](#) or acting on coastal development permits prior to certification of its local coastal program pursuant to Sections [30520](#), [30600.5](#), and [30624](#), shall within five working days notify the commission and any person who, in writing, has requested such notification, in the manner prescribed by the commission pursuant to Section [30600.5](#) or [30620](#), of any coastal development permit it issues.

(d) Within five working days of receipt of the notice required by subdivision (c), the executive director of the commission shall post, at a conspicuous location in the commission's office, a description of the coastal development permit issued by the local government. Within 15 working days of receipt of such notice, the executive director shall, in the manner prescribed by the commission pursuant to subdivision (a) of Section [30620](#), provide notice of the locally issued coastal development permit to members of the commission.

(Added by Stats. 1976; Amended by Stats. 1981.)

Section 30620.6 Public notice and appeal procedures; time for adoption

The commission shall, not later than August 1, 1978, and after public hearing, adopt public notice and appeal procedures for the review of development projects appealable pursuant to Sections [30603](#) and [30715](#). The commission shall send copies of such procedures to every local government within the coastal zone and shall make them readily available to the public.

Section 30621 De novo hearings; notice; time; filing of appeals

(a) The commission shall provide for a de novo public hearing on applications for coastal development permits and any appeals brought pursuant to this division and shall give to any affected person a written public notice of the nature of the proceeding and of the time and place of the public hearing. Notice shall also be given to any person who requests, in writing, such notification. A hearing on any coastal development permit application or an appeal shall be set no later than 49 *working* days after the date on which the application or appeal is filed with the commission.

(b) An appeal that is properly submitted shall be considered to be filed when any of the following occurs

(1) The executive director determines that the appeal is not patently frivolous pursuant to subdivision (d) of Section [30620](#).

(2) The five-day period for the executive director to determine whether an appeal is patently frivolous pursuant to subdivision (d) of Section [30620](#) expires without that determination.

(3) The appellant pays the filing fee within the five-day period set forth in subdivision (d) of Section [30620](#).

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 285, Stats. 1991; Ch. 669, Stats. 1995 Ch. 683, Stats. 2015; Ch. 597, Stats. 2016.)

Section 30622 Action on permit application or appeal

The commission shall act upon the coastal development permit application or an appeal within 21 days after the conclusion of the hearing pursuant to Section [30621](#).

(Amended by Ch. 285, Stats. 1991.)

Section 30623 Stay on appeal

If an appeal of any action on any development by any local government or port governing body is filed with the commission, the operation and effect of that action shall be stayed pending a decision on appeal.

(Amended by Ch. 285, Stats. 1991.)

Section 30624 Emergency cases and certain nonemergency developments; issuance of permits without compliance with procedures; requests that permits not be effective

(a) The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the coastal development permit authority has been delegated to a local government pursuant to Section [30600.5](#), by an appropriate local official designated by resolution of the local government without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section [30611](#), and for the following nonemergency developments: improvements to any existing structure; any single-family dwelling; any development of four dwelling units or less within any incorporated area that does not require demolition; any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land; and any development specifically authorized as a principal permitted use and proposed in an area for which the land use portion of the applicable local coastal program has been certified. Such permit for nonemergency development shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided.

(b) If one-third of the appointed membership of the commission so request; at the first meeting following the issuance of such permit by the executive director, such issuance shall not be effective, and, instead, the application shall be processed in accordance with the commission's procedures for permits and pursuant to the provisions of this chapter.

(c) Any permit issued by a local official pursuant to the provisions of this section shall be scheduled on the agenda of the governing body of the local agency at its first scheduled meeting after that permit has been issued. If, at that meeting, one-third of the members of that governing body so request, the permit issued by the local official shall not go into effect and the application for a coastal development permit shall be processed by the local government pursuant to Section [30600.5](#).

(d) No monetary limitations shall be required for emergencies covered by the provisions of this section.

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats, 1179; Ch. 1173, Stats. 1981; Ch. 43, Stats. 1982.)

Section 30624.7 Waivers from permit requirements for de minimis developments; procedure for issuance

The commission may, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is de minimis. A proposed development is de minimis if the executive director determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3 (commencing with Section [30200](#)).

A waiver shall not take effect until it has been reported to the commission at the regularly scheduled meeting following its issuance by the executive director. If one-third of the appointed membership of the commission so request, at this meeting, such issuance shall not be effective and, instead, an application for a coastal development permit shall be required and processed in accordance with the provisions of this chapter.

(Added by Ch. 43, Stats. 1982.)

Section 30624.9 Minor development; waivers of permit application hearings; notice

(a) For purposes of this section, "minor development" means a development which a local government determines satisfies all of the following requirements:

- (1) Is consistent with the certified local coastal program, as defined in Section [30108.6](#).
- (2) Requires no discretionary approvals other than a coastal development permit.

(3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:

(1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.

(2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).

(c) The notice provided pursuant to subdivision (b) shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a coastal development permit application.

(Added by Ch. 669, Stats. 1995.)

Section 30625 Persons who may appeal; powers of reviewing body; effect of decisions

(a) Except as otherwise specifically provided in subdivision (a) of Section [30602](#), any appealable action on a coastal development permit or claim of exemption for any development by a local government

or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections [30621](#) and [30622](#), the decision of the local government or port governing body, as the case may be, shall become final, unless the time limit in Section [30621](#) or [30622](#) is waived by the applicant.

(b) The commission shall hear an appeal unless it determines the following:

(1) With respect to appeals pursuant to subdivision (a) of Section [30602](#), that no substantial issue exists as to conformity with Chapter 3 (commencing with Section [30200](#)).

(2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section [30603](#).

(3) With respect to appeals to the commission after certification of a port master plan, that no substantial issue exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.

(Amended by Ch. 43, Stats. 1982; Amended by Ch. 285, Stats. 1991.)

Section 30626 Reconsideration

The commission may, by regulation, provide for the reconsideration of the terms and conditions of any coastal development permit granted by the commission solely for the purpose of correcting any information contained in those terms and conditions.

(Amended by Ch. 285, Stats. 1991.)

Section 30627 Procedures for reconsideration

(a) The commission shall, by regulation, provide procedures which the commission shall use in deciding whether to grant reconsideration of any of the following:

(1) Any decision to deny an application for a coastal development permit.

(2) Any term or condition of a coastal development permit which has been granted.

(b) The procedures required by subdivision (a) shall include at least the following provisions:

(1) Only an applicant for a coastal development permit shall be eligible to request reconsideration.

(2) The request for reconsideration shall be made within 30 days of the decision on the application for a coastal development permit.

(3) The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision.

(4) The commission shall have the discretion to grant or deny requests for reconsideration.

(c) A decision to deny a request for reconsideration is not subject to appeal.

(d) This section shall not alter any right otherwise provided by this division to appeal an action; provided, that a request for reconsideration shall be made only once for any one development application, and shall, for purposes of any time limits specified in Sections [30621](#) and [30622](#), be considered a new application.

(Added by Ch. 919, Stats. 1979; Amended by Ch. 285, Stats. 1991.)

**CHAPTER 8
PORTS**

**ARTICLE 1
FINDINGS AND GENERAL PROVISIONS**

Section

- [30700](#) Ports included
- [30700.5](#) Application of other provisions
- [30701](#) Legislative finding and declaration

**ARTICLE 2
POLICIES**

Section

- [30702](#) Public policy
- [30703](#) Protection of commercial fishing harbor space
- [30705](#) Diking, filling or dredging water areas
- [30706](#) Fill
- [30707](#) Tanker terminals
- [30708](#) Location, design and construction of port related developments

**ARTICLE 3
IMPLEMENTATION: MASTER PLAN**

Section

- [30710](#) Jurisdictional map; map delineating wetland, estuary or recreational areas
- [30711](#) Preparation and contents of plan
- [30712](#) Solicitation of information; notice of completion; public hearing
- [30713](#) Repealed
- [30714](#) Adoption of plan; certification
- [30715](#) Permit authority; appealable approvals
- [30715.5](#) Finding of conformity
- [30716](#) Amendment; Commission certification; minor or de minimis amendment procedure; guidelines
- [30717](#) Approval of appealable development; notice effective date; appeals
- [30718](#) Nonappealable developments; environmental impact reports
- [30719](#) Projects deemed certified
- [30720](#) Judicial prohibition or stay; reinstatement of permit authority
- [30721](#) Port Hueneme reimbursement costs

ARTICLE 1 FINDINGS AND GENERAL PROVISIONS

Section 30700 Ports included

For purposes of this division, notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District located within the coastal zone, but excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan.

(Amended by Ch. 714, Stats. 1981.)

Section 30700.5 Application of other provisions

The definitions of Chapter 2 (commencing with Section [30100](#)) and the provisions of Chapter 9 (commencing with Section [30800](#)) and Section [30900](#) shall apply to this chapter.

Section 30701 Legislative finding and declaration

The Legislature finds and declares that:

(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

(Amended by Ch. 515 Stats. 1977.)

ARTICLE 2 POLICIES

Section 30702 Ports included

For purposes of this division, the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section [30715](#), are not appealable to the commission after certification of a master plan, are set forth in this chapter.

Section 30703 Protection of commercial fishing harbor space

The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30704 Blank

Section 30705 Diking, filling or dredging water areas

(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

(1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.

(2) New or expanded facilities or waterfront land for port-related facilities.

(3) New or expanded commercial fishing facilities or recreational boating facilities.

(4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.

(6) Restoration purposes or creation of new habitat areas.

(7) Nature study, mariculture, or similar resource-dependent activities.

(8) Minor fill for improving shoreline appearance or public access to the water.

(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.

(Amended by Ch. 310, Stats. 1984.)

Section 30706 Fill

In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:

(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.

(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water.

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

Section 30707 Tanker terminals

New or expanded tanker terminals shall be designed and constructed to do all of the following:

(a) Minimize the total volume of oil spilled.

(b) Minimize the risk of collision from movement of other vessels.

(c) Have ready access to the most effective feasible oil spill containment and recovery equipment.

(d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

Section 30708 Location, design and construction of port-related developments

All port-related developments shall be located, designed, and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

**ARTICLE 3
IMPLEMENTATION: MASTER PLAN**

Section 30710 Jurisdictional map; map delineating wetland, estuary or recreational areas

Within 90 days after January 1, 1977, the commission shall, after public hearing, adopt, certify, and file with each port governing body a map delineating the present legal geographical boundaries of each port's jurisdiction within the coastal zone. The Commission shall, within such 90-day period, adopt and certify after public hearing, a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan within the geographical boundaries of each port.

Section 30711 Preparation, adoption and contents of plan

(a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:

(1) The proposed uses of land and water areas, where known.

(2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.

(3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.

(4) Proposed projects listed as appealable in Section [30715](#) in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section [30200](#)) of this division.

(5) Provisions for adequate public hearings and public participation in port planning and development decisions.

(b) A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.

Section 30712 Solicitation of information; notice of completion; public hearing

In the consideration and approval of a proposed port master plan, the public, interested organizations, and governmental agencies shall be encouraged to submit relevant testimony, statements, and evidence which shall be considered by the port governing body. The port governing body shall publish notice of the completion of the draft master plan and submit a copy thereof to the commission and shall, upon request, provide copies to other interested persons, organizations, and governmental agencies. Thereafter, the port governing body shall hold a public hearing on the draft master plan not earlier than 30 days and not later than 90 days following the date the notice of completion was published.

Section 30713 (Repealed by Ch. 294, Stats. 2006.)

Section 30714 Adoption of plan; certification

After public notice, hearing, and consideration of comments and testimony received pursuant to Sections [30712](#) and [30713](#), the port governing body shall adopt its master plan and submit it to the commission for certification in accordance with this chapter. Within 90 days after the submittal, the commission, after public hearing, shall certify the plan or portion of a plan and reject any portion of a plan which is not certified. The commission may not modify the plan as submitted as the condition of certification. If the commission rejects any portion of a plan, it shall base that rejection upon written findings of fact and conclusion of law. If the commission fails to take action within the 90-day period, the port master plan shall be deemed certified. The commission shall certify the plan, or portion of a plan, if the commission finds both of the following:

(a) The master plan, or certified portions thereof, conforms with and carries out the policies of this chapter.

(b) Where a master plan, or certified portions thereof, provide for any of the developments listed as appealable in Section [30715](#), the development or developments are in conformity with all the policies of Chapter 3 (commencing with Section [30200](#)).

(Amended by Ch. 651, Stats. 1981.)

Section 30715 Permit authority; appealable approvals

(a) Until such time as a port master plan or any portion thereof has been certified, the commission shall permit developments within ports as provided for in Chapter 7 (commencing with Section [30600](#)). After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section [30600](#)) shall no longer be exercised by the commission over any new development contained in the certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, except that approvals of any of the following categories of development by the port governing body may be appealed to the commission:

(1) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation. A development which has a significant impact shall be defined in the master plans.

(2) Waste water treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.

(3) Roads or highways which are not principally for internal circulation within the port boundaries.

(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

(5) Oil refineries.

(6) Petrochemical production plants.

(b) If maintenance dredging is part of, or is associated with, any category of development specified in paragraphs (1) to (6), inclusive, of subdivision (a), the commission shall not consider that maintenance dredging in its review and approval of those categories.

(Amended by Ch. 584, Stats. 1983.)

Section 30715.5 Finding of conformity

No developments within the area covered by the certified port master plan shall be approved by the port governing body unless it finds that the proposed development conforms with such certified plan.

Section 30716 Amendment; Commission certification; minor or de minimis amendment procedure; guidelines

(a) A certified port master plan may be amended by the port governing body, but an amendment shall not take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as provided for submission and certification of a port master plan.

(b) The commission shall, by regulation, establish a procedure whereby proposed amendments to a certified port master plan may be reviewed and designated by the executive director of the commission as being minor in nature and need not comply with Section [30714](#). These amendments shall take effect on the 10th working day after the executive director designates such amendments as minor.

(c)(1) The executive director may determine that a proposed certified port master plan amendment is de minimis if the executive director determines that the proposed amendment would have no impact,

either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section [30200](#)), and meets the following criteria:

(A) The port governing body, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, which specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by [Section 6061 of the Government Code](#), in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the port governing body both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the port governing body submits the proposed amendment to the executive director, the port governing body shall also submit to the executive director any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).

(3)(A) The executive director shall make a determination as to whether the proposed amendment is de minimis within 10 working days from the date of submittal by the local government. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with [Section 11125 of the Government Code](#), and any public comments forwarded by the port governing body shall be made available to the members of the commission.

(B) If three members of the commission object to the executive director's determination that the proposed amendment is de minimis, the proposed amendment shall be set for public hearing in accordance with the procedures specified in subdivision (a) or, at the request of the port governing body, returned to the port governing body. If set for public hearing under subdivision (a), the time requirements set by this section and [Section 30714](#) shall commence from the date on which the objection to the de minimis designation was made.

(C) If three or more members of the commission do not object to the de minimis determination, the de minimis amendment shall become a part of the certified port master plan 10 days from the date of the commission meeting.

(4) The commission may, after a noticed public hearing, adopt guidelines to implement this subdivision, which shall be exempt from review by the Office of Administrative Law and from [Chapter 3.5 \(commencing with Section 11340\) of Part 1 of Division 3 of Title 2 of the Government Code](#). The commission shall file any guidelines adopted pursuant to this paragraph with the Office of Administrative Law.

(Amended by Ch. 525, Stats. 1994; amended by Ch. 538, Stats. 2006; amended by Ch. 208, Stats. 2009.)

Section 30717 Approval of appealable development; notice; effective date; appeals

The governing bodies of ports shall inform and advise the commission in the planning and design of appealable developments authorized under this chapter, and prior to commencement of any appealable development, the governing body of a port shall notify the commission and other interested persons, organizations, and governmental agencies of the approval of a proposed appealable development and indicate how it is consistent with the appropriate port master plan and this division. An approval of the appealable development by the port governing body pursuant to a certified port master plan shall become effective after the 10th working day after notification of its approval, unless an appeal is filed with the commission within that time. Appeals shall be filed and processed by the commission in the same manner as appeals from local government actions as set forth in Chapter 7 (commencing with Section [30600](#)) of this division. No appealable development shall take place until the approval becomes effective.

Section 30718 Nonappealable developments; environmental impact documents

For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the [Environmental Quality Act of 1970 \(commencing with Section 21000\)](#) or any environmental impact statements prepared pursuant to the [National Environmental Policy Act of 1969 \(42 U.S.C. 4321, et seq.\)](#) to the commission in a timely manner for comment.

Section 30719 Projects deemed certified

Any development project or activity authorized or approved pursuant to the provisions of this chapter shall be deemed certified by the commission as being in conformity with the coastal zone management program insofar as any such certification is requested by any federal agency pursuant to the [Federal Coastal Zone Management Act of 1972 \(16 U.S.C. 1451, et seq.\)](#), National Oceanic and Atmospheric Administration, and memoranda of understanding between the state and federal governments relative thereto.

Section 30720 Judicial prohibition or stay; reinstatement of permit authority

If the application of any port master plan or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section [30600](#)) shall be reinstated in the commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

(Amended by Ch. 285, Stats. 1991.)

Section 30721 Port Hueneme; reimbursement of costs

(a) The Legislature recognizes that Port Hueneme is unique in its relationship to the coast in that it is the only deep water port operated by a harbor district, and is without access to city or county funds. Therefore, the governing body of Port Hueneme may claim reimbursement of costs it incurs in the preparation and certification of a port master plan as required by this chapter.

(b) Prior to submitting any claim for reimbursement, the governing body of the port shall submit its proposed claims to the executive director of the commission for review and approval and shall provide adequate documentation to enable the executive director to make the following determinations:

- (1) That the work done was directly attributable to the operation of this chapter.

(2) That the work done is reasonably related to, and appears to be necessary for, the preparation of a certifiable port master plan for the geographic area within the port's jurisdiction as identified by the commission pursuant to [Section 30710](#).

(3) That the governing body of a port is not reimbursed for the costs of the work from any other source.

The executive director of the commission shall, within 60 days after receipt of the necessary information, approve the proposed claim, if the director can make the determinations set forth in this subdivision.

(c) After a proposed claim has been reviewed and approved by the executive director of the commission pursuant to subdivision (b), the governing body of the port may submit its claim for reimbursement to the Controller who shall then process and pay any such claim as provided for in [Section 2231 of the Revenue and Taxation Code](#).

(Added by Ch. 741, Stats. 1978.)

**CHAPTER 9
JUDICIAL REVIEW, ENFORCEMENT,
AND PENALTIES**

**ARTICLE 1
GENERAL PROVISIONS**

Section

30800	Additional remedies
30801	Petition for writ of mandate; aggrieved person
30802	Decisions or actions not appealable to commission; petition for writ of mandate; intervention
30803	Declaratory and equitable relief; cease & desist orders; restoration orders; bonds; stay
30804	Enforcement of duties; bond
30805	Recovery of civil penalties
30805.5	Recovery of penalties; limitation of action
30806	Change of venue; legal assistance
30807	Repealed
30808	Actions to insure compliance with terms and conditions of urban exclusion
30809	Ex parte cease & desist orders; notice; terms and conditions; time of effectiveness; duration
30810	Cease & desist orders issued after public hearing; terms and conditions; notice of hearing; finality and effectiveness of order
30811	Restoration order; violations
30812	Notification of intention to record property violation; contents; public hearings; review

**ARTICLE 2
PENALTIES**

Section

30820	Civil liability; violations; amount; factors
30821	Administrative Civil Penalties
30821.6	Violation of orders; civil penalties; local government agency actions
30822	Exemplary damages
30823	Disposal of funds
30824	Ex parte communications, disclosure; additional fines; fees & costs
30826	Renumbered

ARTICLE I GENERAL PROVISIONS

Section 30800 Additional remedies

The provisions of this chapter shall be in addition to any other remedies available at law.

Section 30801 Petition for writ of mandate; aggrieved person

Any aggrieved person shall have a right to judicial review of any decision or action of the commission by filing a petition for a writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure, within 60 days after the decision or action has become final.

For purposes of this section and subdivision (c) of Section [30513](#) and Section [30625](#), an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

(Amended by Ch. 285, Stats. 1991.)

Section 30802 Decisions or actions not appealable to Commission; petition for writ of mandate; intervention

Any person, including an applicant for a permit or the commission, aggrieved by the decision or action of a local government that is implementing a certified local coastal program or certified port master plan, or is exercising its powers pursuant to Section [30600.5](#), which decision or action may not be appealed to the commission, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of [Section 1094.5 of the Code of Civil Procedure](#) within 60 days after the decision or action has become final. The commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a proposed development with a certified local coastal program or certified port master plan or the validity of a local government action taken to implement a local coastal program or certified port master plan. Any local government or port governing body may request that the commission intervene. Notice of this action against a local government or port governing body shall be filed with the commission within five working days of the filing of this action. When an action is brought challenging the validity of a local coastal program or certified port master plan, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section [30801](#).

(Amended by Ch. 1173, Stats. 1981.)

Section 30803 Declaratory and equitable relief; cease & desist orders; restoration orders; bonds; stay

(a) Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, of a cease and desist order issued pursuant to Section [30809](#) or [30810](#), or of a restoration order issued pursuant to Section [30811](#). On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.

(b) A court may stay the operation of the cease and desist order after it provides notice to the commission and holds a hearing. Any such stay may be imposed or continued only if it is not against the public interest.

(Amended by: Ch. 761, Stats. 1991; Ch. 1199, Stats. 1993.)

Section 30804 Enforcement of duties; bond

Any person may maintain an action to enforce the duties specifically imposed upon the commission, any governmental agency, any special district, or any local government by this division. No bond shall be required for an action under this section.

(Amended by Ch. 285, Stats. 1991.)

Section 30805 Recovery of civil penalties

Any person may maintain an action for the recovery of civil penalties provided for in Section [30820](#) or [30821.6](#).

(Amended Ch. 1199, Stats. 1993.)

Section 30805.5 Recovery of penalties; limitation of action

Any action pursuant to Sections [30805](#) or [30822](#) to recover civil fines or penalties under this chapter shall be commenced not later than three years from the date on which the cause of action for the recovery is known or should have been known.

(Added by Ch. 1199, Stats. 1993.)

Section 30806 Change of venue; legal assistance

(a) Any civil action under this division by, or against, a city, county, or city and county, the commission, special district, or any other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city, special district, or any other public agency which is a party to the action is located.

(b) In any action brought by or against any local government, other than an action brought by or against the commission, that involves the enforcement or implementation of its certified local coastal program, the Department of Justice shall, upon the request of the local government, provide such legal assistance as its resources permit.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

Section 30807 (Repealed by Ch. 1173, Stats. 1981.)

Section 30808 Actions to ensure compliance with terms and conditions of urban exclusion

In addition to any other remedy provided by this article, any person, including the commission, may bring an action to restrain a violation of the terms and conditions of an urban exclusion imposed pursuant to Section [30610.5](#). In any such action the court may grant whatever relief it deems appropriate to ensure compliance with the terms and conditions of the urban exclusion.

Section 30809 Ex parte cease & desist orders; notice; terms and conditions; time of effectiveness; duration

(a) If the executive director determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) may require a permit from the commission without securing a permit or (2) may be inconsistent with any permit previously issued by the commission, the executive director may issue an order directing that person or governmental agency to cease and desist. The order may be also issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order shall be issued only if the person or agency has failed to respond in a satisfactory manner to an oral notice given in person or by telephone, followed by a written confirmation, or a written notice given by certified mail or hand delivered to the landowner or the person performing the activity. The notice shall include the following:

(1) A description of the activity which meets the criteria of subdivision (a).

(2) A statement that the described activity constitutes development which is in violation of this division because it is not authorized by a valid coastal development permit.

(3) A statement that the described activity be immediately stopped or the alleged violator may receive a cease and desist order, the violation of which may subject the violator to additional fines.

(4) The name, address, and phone number of the commission or local government office which is to be contacted for further information.

(c) The cease and desist order may be subject to such terms and conditions as the executive director may determine are necessary to avoid irreparable injury to any area within the jurisdiction of the commission pending action by the commission under [Section 30810](#).

(d) The cease and desist order shall be effective upon its issuance, and copies shall be served forthwith by certified mail upon the person or governmental agency subject to the order.

(e) A cease and desist order issued pursuant to this section shall become null and void 90 days after issuance.

(Added by Ch. 761, Stats. 1991.)

Section 30810 Cease & desist orders issued after public hearing; terms and conditions; notice of hearing; finality and effectiveness of order

(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist. The

order may also be issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order may be subject to such terms and conditions as the commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material or the setting of a schedule within which steps shall be taken to obtain a permit pursuant to this division.

(c) Notice of the public hearing on a proposed cease and desist order shall be given to all affected persons and agencies and the order shall be final and effective upon the issuance of the order. Copies shall be served immediately by certified mail upon the person or governmental agency subject to the order and upon other affected persons and agencies who appeared at the hearing or requested a copy. The notice shall include a description of the civil remedy to a cease and desist order, authorized by Section [30803](#).

(Amended by Ch. 1199, Stats. 1993.)

Section 30811 Restoration order; violations

In addition to any other authority to order restoration, the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission, local government, or port governing body, the development is inconsistent with this division, and the development is causing continuing resource damage.

(Added by Ch. 955, Stats. 1992.) (Section renumbered by Ch. 1199, Stats. 1993.)

Section 30812 Notification of intention to record property violation; contents; public hearings; review

(a) Whenever the executive director of the commission has determined, based on substantial evidence, that real property has been developed in violation of this division, the executive director may cause a notification of intention to record a notice of violation to be mailed by regular and certified mail to the owner of the real property at issue, describing the real property, identifying the nature of the violation, naming the owners thereof, and stating that if the owner objects to the filing of a notice of violation, an opportunity will be given to the owner to present evidence on the issue of whether a violation has occurred.

(b) The notification specified in subdivision (a) shall indicate that the owner is required to respond in writing, within 20 days of the postmarked mailing of the notification, to object to recording the notice of violation. The notification shall also state that if, within 20 days of mailing of the notification, the owner of the real property at issue fails to inform the executive director of the owner's objection to recording the notice of violation, the executive director shall record the notice of violation in the office of each county recorder where all or part of the property is located.

(c) If the owner submits a timely objection to the proposed filing of the notice of violation, a public hearing shall be held at the next regularly scheduled commission meeting for which adequate public notice

can be provided, at which the owner may present evidence to the commission why the notice of violation should not be recorded. The hearing may be postponed for cause for not more than 90 days after the date of the receipt of the objection to recordation of the notice of violation.

(d) If, after the commission has completed its hearing and the owner has been given the opportunity to present evidence, the commission finds that, based on substantial evidence, a violation has occurred, the executive director shall record the notice of violation in the office of each county recorder where all or part of the real property is located. If the commission finds that no violation has occurred, the executive director shall mail a clearance letter to the owner of the real property.

(e) (1) The notice of violation shall be contained in a separate document prominently entitled "Notice of Violation of the Coastal Act." The notice of violation shall contain all of the following information:

- (A) The names of the owners of record.
- (B) A legal description of the real property affected by the notice.
- (C) A statement specifically identifying the nature of the alleged violation.
- (D) A commission file number relating to the notice.

(2) The notice of violation, when properly recorded and indexed, shall be considered notice of the violation to all successors in interest in that property. This notice is for informational purposes only and is not a defect, lien, or encumbrance on the property.

(f) Within 30 days after the final resolution of a violation that is the subject of a recorded notice of violation, the executive director shall mail a clearance letter to the owner of the real property and shall record a notice of rescission in the office of each county recorder in which the notice of violation was filed, indicating that the notice of violation is no longer valid. The notice of rescission shall have the same effect of a withdrawal or expungement under [Section 405.61 of the Code of Civil Procedure](#).

(g) The executive director may not invoke the procedures of this section until all existing administrative methods for resolving the violation have been utilized and the property owner has been made aware of the potential for the recordation of a notice of violation. For purposes of this subdivision, existing methods for resolving the violation do not include the commencement of an administrative or judicial proceeding.

(h) This section only applies in circumstances where the commission is the legally responsible coastal development permitting authority or where a local government or port governing body requests the commission to assist in the resolution of an unresolved violation if the local government is the legally responsible coastal development permitting authority.

(i) The commission, 24 months from the date of recordation, shall review each notice of violation that has been recorded to determine why the violation has not been resolved and whether the notice of violation should be expunged.

(j) The commission, at any time and for cause, on its own initiative or at the request of the property owner, may cause a notice of rescission to be recorded invalidating the notice of violation recorded pursuant to this section. The notice of rescission shall have the same effect of a withdrawal or expungement under [Section 405.61 of the Code of Civil Procedure](#).

(Added by Ch. 235, Stats. 2002; Amended by Ch. 62, Stats. 2003.)

ARTICLE 2 PENALTIES

Section 30820 Civil liability; violations; amount; factors

(a) Any person who violates any provision of this division may be civilly liable in accordance with this subdivision as follows:

(1) Civil liability may be imposed by the superior court in accordance with this article on any person who performs or undertakes development that is in violation of this division or that is inconsistent with any coastal development permit previously issued by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan, in an amount that shall not exceed thirty thousand dollars (\$30,000) and shall not be less than five hundred dollars (\$500).

(2) Civil liability may be imposed for any violation of this division other than that specified in paragraph (1) in an amount that shall not exceed thirty thousand dollars (\$30,000).

(b) Any person who performs or undertakes development that is in violation of this division or that is inconsistent with any coastal development permit previously issued by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan, when the person intentionally and knowingly performs or undertakes the development in violation of this division or inconsistent with any previously issued coastal development permit, may, in addition to any other penalties, be civilly liable in accordance with this subdivision. Civil liability may be imposed by the superior court in accordance with this article for a violation as specified in this subdivision in an amount which shall not be less than one thousand dollars (\$1,000), not more than fifteen thousand dollars (\$15,000), per day for each day in which the violation persists.

(c) In determining the amount of civil liability, the following factors shall be considered:

(1) The nature, circumstance, extent, and gravity of the violation.

(2) Whether the violation is susceptible to restoration or other remedial measures.

(3) The sensitivity of the resource affected by the violation.

(4) The cost to the state of bringing the action.

(5) With respect to the violator, any voluntary restoration or remedial measures undertaken, any prior history of violations, the degree of culpability, economic profits, if any, resulting from, or expected to result as a consequence of, the violation, and such other matters as justice may require.

(Added by Ch. 955, Stats. 1992; Amended by Ch. 1199, Stats. 1993.)

Section 30821 Administrative Civil Penalties

(a) In addition to any other penalties imposed pursuant to this division, a person, including a landowner, who is in violation of the public access provisions of this division is subject to an administrative civil penalty that may be imposed by the commission in an amount not to exceed 75 percent of the amount of the maximum penalty authorized pursuant to subdivision (b) of Section [30820](#) for each violation. The administrative civil penalty may be assessed for each day the violation persists, but for no more than five years.

(b) All penalties imposed pursuant to subdivision (a) shall be imposed by majority vote of the commissioners present in a duly noticed public hearing in compliance with the requirements of Section [30810](#), [30811](#), or [30812](#).

(c) In determining the amount of civil liability, the commission shall take into account the factors set forth in subdivision (c) of Section [30820](#).

(d) A person shall not be subject to both monetary civil liability imposed under this section and monetary civil liability imposed by the superior court for the same act or failure to act. If a person who is assessed a penalty under this section fails to pay the administrative penalty, otherwise fails to comply with a restoration or cease and desist order issued by the commission in connection with the penalty action, or challenges any of these actions by the commission in a court of law, the commission may maintain an action or otherwise engage in judicial proceedings to enforce those requirements and the court may grant any relief as provided under this chapter.

(e) If a person fails to pay a penalty imposed by the commission pursuant to this section, the commission may record a lien on the property in the amount of the penalty assessed by the commission. This lien shall have the force, effect, and priority of a judgment lien.

(f) In enacting this section, it is the intent of the Legislature to ensure that unintentional, minor violations of this division that only cause de minimis harm will not lead to the imposition of administrative penalties if the violator has acted expeditiously to correct the violation.

(g) "Person," for the purpose of this section, does not include a local government, a special district, or an agency thereof, when acting in a legislative or adjudicative capacity.

(h) Administrative penalties pursuant to subdivision (a) shall not be assessed if the property owner corrects the violation consistent with this division within 30 days of receiving written notification from the commission regarding the violation, and if the alleged violator can correct the violation without undertaking additional development that requires a permit under this division. This 30-day timeframe for corrective action does not apply to previous violations of permit conditions incurred by a property owner.

(i) The commission shall prepare and submit, pursuant to Section [9795 of the Government Code](#), a report to the Legislature by January 15, 2019, that includes all of the following:

(1) The number of new violations reported annually to the commission from January 1, 2015, to December 31, 2018, inclusive.

(2) The number of violations resolved from January 1, 2015, to December 31, 2018, inclusive.

(3) The number of administrative penalties issued pursuant to this section, the dollar amount of the penalties, and a description of the violations from January 1, 2015, to December 31, 2018, inclusive.

(j) Revenues derived pursuant to this section shall be deposited into the Violation Remediation Account of the Coastal Conservancy Fund and expended pursuant to Section [30823](#).

(Added by: Ch. 35, Stats. 2014)

Section 30821.6 Violation of orders; civil penalties; local government agency actions

(a) Any person or governmental agency who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the executive director or the commission, or any restoration order issued, reissued, or amended by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may be liable civilly in a sum of not to exceed six thousand dollars (\$6,000) for each day in which that violation

persists. Any actual penalty imposed shall be reasonably proportionate to the damage suffered as a consequence of the violation.

(b) Sections [30809](#) and [30810](#) and subdivision (a) of this section do not authorize the issuance or enforcement of any cease and desist order as to any activity undertaken by a local governmental agency pursuant to a declaration of emergency by the board of supervisors of the county in which the activity is being or may be undertaken.

(Added by Ch. 761, Stats. 1991; Amended by Ch. 1199, Stats 1993.)

Section 30822 Exemplary damages

Where a person has intentionally and knowingly violated any provision of this division or any order issued pursuant to this division, the commission may maintain an action, in addition to Section [30803](#) or [30805](#), for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

(Amended by Ch. 1199, Stats. 1993.)

Section 30823 Disposal of funds

Any funds derived under this article shall be expended for carrying out the provisions of this division, when appropriated by the Legislature. Funds so derived shall be deposited in the Violation Remediation Account of the Coastal Conservancy Fund until appropriated.

(Amended by Ch. 1618, Stats. 1982.)

Section 30824 Ex parte communications, disclosure; additional fines; fees & costs

In addition to any other applicable penalty, any commission member who knowingly violates Section [30324](#) is subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500). Notwithstanding any law to the contrary, the court may award attorney's fees and costs to the prevailing party.

(Added by Ch. 1114, Stats. 1992; Amended by Ch. 798, Stats. 1993.)

Section 30826 (Renumbered Ch. 1199, Stats. 1993.)

CHAPTER 10
SEVERABILITY

Section

[30900](#) Severability.

Section 30900 Severability

If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.



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.

For additional information, contact:

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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



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.



Local Coastal Program
Permit Sonoma

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



Coastal Plan

RECREATION AND VISITOR SERVING FACILITIES

DRAFT

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TABLE OF CONTENTS

NORTH CENTRAL COAST
REGIONAL COMMISSION

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RECEIVED

I.	INTRODUCTION	
	A. Objective and Summary.....	1
	B. Coastal Act Policies.....	2
II.	VISITOR SERVING AND COMMERCIAL FACILITIES	
	A. Inventory of Existing Facilities.....	4
	B. Citizen and Business Operator Survey.....	5
	C. Development Areas and Needed Facilities.....	8
	D. General Recommendations.....	14
III.	PUBLIC AND PRIVATE RECREATION FACILITIES	
	A. Overview of Coastal Recreation	
	1. Introduction.....	15
	2. Recreation Activities and Facilities.....	16
	3. Visitation.....	20
	4. Development Locations.....	21
	B. Public Recreation	
	1. Introduction.....	23
	2. Characteristics of Existing State Parks	
	a. Kruse Rhododendron State Reserve.....	24
	b. Salt Point State Park Unit.....	24
	c. Fort Ross State Historic Park Unit.....	27
	d. Sonoma Coast State Beach Unit.....	31
	3. Characteristics of Existing County Parks	
	a. Gualala Point County Regional Park.....	36
	b. Gualala River Wayside Park.....	37
	c. Stillwater Cove County Regional Park.....	37
	d. Doran County Regional Park.....	38
	e. Westside County Regional Park.....	39

4. Sonoma Coastal Trail.....39

5. Specific Recommendations.....41

6. General Recommendations.....50

C. Private Recreation

1. Characteristics of Existing Private Recreation Facilities.....51

2. Recommendations.....53

RECREATION AND VISITOR SERVING FACILITIES

INTRODUCTION

OBJECTIVE AND SUMMARY

The Sonoma coast offers visitors recreational experiences in six County and State parks and numerous private facilities. The diversity and relatively unspoiled of the character natural and built environment contribute to the desirability of spending a day or week exploring the coast. The objective of the recreation work tasks has been to identify and evaluate existing and potential coastal areas suitable for public and private recreation, and for visitor accommodation and support facilities. The type and scale of such potential development has also been identified.

Visitor serving and local serving facilities have been inventoried to provide a base line of existing development on the coast. Citizens and coastal business operators were surveyed to provide input on demand for additional facilities. Areas suitable for development of needed facilities are identified. Overall recommendations relative to visitor and local serving facilities are also made.

An overview of coastal recreation is presented, including description of the existing recreation activities and facilities, the amount and timing of visitation, and general locations appropriate for more development of recreation facilities. Details about public park lands are given, as well as a concept for a coastal trail. The characteristics of existing private recreation facilities are outlined. Recommendations for future use of both public and private recreation facilities are presented.

COASTAL ACT POLICIES

The Coastal Act recreation and visitor facility policies require that the recreational use of the coast is to be enhanced, with provision made of support services, especially those at a lower cost to the public. The policies discuss the priorities of different coastal uses, and the amount, location, and distribution of recreational uses. (see Table I).

30210. 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.

30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of over-crowding or overuse by the public of any single area.

30213. (Part) Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. 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.

30222. 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.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30250 (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.

30252 (6) The location and amount of new development should maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

These policies refer to facilities for use by the public which either provide for or support recreation activities within the coastal zone. The definitions that follow relate to the organization of this chapter on recreation and visitor serving facilities. Visitor serving facilities and commercial facilities are treated separately from private and public recreation lands and facilities.

Visitor Serving Facilities: Private developments that provide basic visitor support services, such as motels, restaurants, grocery stores, auto service stations, public restrooms. Most services on the Sonoma Coast are both visitor and local serving.

Commercial Facilities: All other private, commercial services that provide for the needs of the local population, such as professional offices, utilities, banks, fishing industry support services.

Private Recreation Facilities: These facilities serve a recreation function and are operated by private business for profit, including campgrounds, trailer parks, stables, golf courses, fee access to the coast, boat launching.

Public Recreation Facilities: This category includes developed County and State parks and recent, undeveloped State Park acquisitions, including land currently leased to a private campground operator. Included are beaches, parkland east and west of Highway 1, and a natural reserve.

VISITOR SERVING AND COMMERCIAL FACILITIES

INVENTORY OF EXISTING FACILITIES

An inventory of existing visitor serving and commercial facilities has been prepared by a field survey of existing communities and commercial points. Categories are given for restaurant and food service, liquor sales, groceries, gasoline, auto repairs, other retail services, and other community services and facilities. The number of motel units and camp sites is also presented to show the number of existing overnight accommodations.

Sub-areas of the coast have been delineated to show the location of facilities from north to south. The Mendocino County town of Gualala was inventoried because of its location just north of the Sonoma County line, in proximity to The Sea Ranch. Other commercial sub-areas are The Sea Ranch; Stewarts Point; Salt Point; Ocean Cove/Stillwater Cove; Timber Cove/Fort Ross; Jenner; Duncans Mills; Bridgehaven; Goat Rock/Bodega Bay; Bodega Bay; and Valley Ford.

Primarily, visitor and local serving commercial facilities are concentrated in Gualala and Bodega Bay. Jenner, Duncans Mills, and Valley Ford are secondary locations, with other isolated services primarily along the north coast. Currently, a total of 1810 overnight accommodations exist: 440 motel units and vacation rental homes, and 1370 camping and trailer spaces. Almost 70% of the motel and vacation home rental units occur north of Jenner, due largely to the rental homes at The Sea Ranch. Only 3% of these units occur mid-coast in Jenner, Duncans Mills, and Bridgehaven, with about 27% of the units in the south coast. Camp and trailer sites are also weighted toward the north, with 48% occurring north of Jenner. This high percentage includes 300 camp sites attributed to camping which occurs on the bluffs south of Fort Ross in undeveloped sites at the Pedotti operated campground on State Park land. The mid-coast has 25% of the camp sites in Duncans Mills, with 27% of camp sites occurring in the Bodega Bay area (south coast).

At present County and Coastal Commission approval has been given for additional motel units on the north coast and in Bodega Bay (total expansion of 115 units), with Stillwater Cove County Park approval for 30 campsites.

CITIZEN AND BUSINESS OPERATOR SURVEY

In August 1979, two surveys were conducted of visitor and local serving commercial facilities in the coastal zone, to determine what additional facilities are needed and where they should be located, one survey was sent to citizens and the other to existing businesses.

Citizen Survey

The citizen survey was sent to two groups. The first group was a random sample of 15 per cent of the property owners in the coastal zone and the second was all the members of the technical and citizen advisory committees. The questions asked on the citizen survey were: "Do you see a need for additional visitor-serving facilities or services in the coastal zone or in the designated inland communities?" (inland communities being considered were Annapolis, Occidental, Freestone, and Bodega) and, "Do you see a need for additional local-serving facilities or services in the coastal zone or in the designated inland communities?" The following discussion reflects the results of the random sample. The committee responses reflected the same pattern but are not included here.

Approximately 50% of the citizens surveyed felt that there was some need for expansion of visitor facilities and services. The amount of expansion people felt was needed varied from those who wanted only one or two more access points, to those who saw the need for full development of all recreational possibilities i.e. camping, RV parks, hotels, etc. The most frequently mentioned suggestion was for restaurants in the coastal zone, specifically for a good seafood restaurant in Bodega Bay. Another popular recommendation was for the development of public restroom facilities at rest stops, vista points, and turnouts along Highway 1. Many people felt there was a need for additional overnight accommodations. Approximately half of these suggestions were for motel/hotel/rental cabins types of accommodations, the others were requests for additional campsites. There were also many suggestions for various types of facilities for recreational boating (i.e. harbor expansion, additional recreational berths, and boat launches in areas outside of Bodega Bay). Several people were strongly against any further land acquisitions by the government, at least until the present holdings are completely developed.

Approximately 50% of those responding felt a need for some additional local services or facilities. The amount and type varied from additional police and emergency medical, to a full scale community shopping center. Most of the suggestions were for some additional commercial facilities such as gas and auto repair stations, hardware store, drug store, department store,

grocery store/supermarket, and laundry. Several people expressed a need for stores (especially department or hardware) that were open later than 6:00 p.m. and on weekends. Many people showed a concern over the sheriff, fire, medical and rescue services. The present volunteer groups were highly praised, yet their overall adequacy was questioned, especially if any expansion in the number of people living on or visiting the coast occurs. Concerns were also expressed for the need for low and moderate income housing in the coastal zone, and an increase in public transportation.

Of those who advocated additional development or an increase in service, the prevailing attitude was one strongly in favor of strict controls on the size and design of any development that occurs. Most felt that development should take place in an unobtrusive manner, blending with the natural scenery. New development should also be clustered in existing communities. Over-commercialization and tourist attractions that would change the rural character of the area should be avoided.

Quite a few expressed strong feelings against any expansion of facilities on the coast. Forty-one per cent of the respondents were against expansion of visitor facilities, 24 per cent were against any expansion of local facilities. Most of these people commented that they had chosen to buy property, or live in the area, because of its current undeveloped state and felt the area had adequate facilities to meet the needs of the current population. These people want to preserve the area in its natural state and are against further disturbing the environment. Most were against expansion of the roads in the area and felt that this alone was sufficient deterrent to future development.

Business Survey:

The business survey was sent out to all property owners in the coastal zone with commercial tax assessor use codes. The return was approximately 25 per cent. The respondents were asked to identify their business by name, location, and the type of business or service provided. They were then asked two questions: "Is your business subject to crowding and overuse ?, if so, when ?" and "any expansion plans ?, if so, generally what, when, and where ?"

Five restaurateurs responded to the questionnaire. Four felt that their facilities were subject to crowding and overuse on summer and fall weekends. All four had hopes of expanding, remodeling, or improving their facilities in the future.

Responses were received from three grocery stores. One experiences crowding on three-day weekends. Another feels a daily overuse, especially during the summer, and would like to be able to expand in the future. A business person in the Duncans Mills area is considering building a store in the future.

Five people responded regarding their current motel facilities. Two of these felt that their facilities were subject to crowding or overuse on holidays, weekends, and throughout the summer. Three of the businesses had hopes or plans for adding additional units. A business in Duncans Mills is considering adding a few bed and breakfast units in the future.

Two responses were received from people with campground facilities. Both felt they were used to capacity and were hoping to expand in the future. Another business hopes to provide overnight camping facilities by next year.

Development Areas and Needed Facilities

Bodega Bay, The Sea Ranch, and Gualala are the areas most suitable for potential expansion of visitor serving and commercial facilities for visitors and residents of the Sonoma Coast. Major reasons for suitability include adequate water and sewer systems, areas already developed or committed to development, available land, and proximity to the major residential population centers.

Bodega Bay

Enough area is designated in the Bodega Bay land use plan to allow an approximate doubling of visitor serving and commercial facilities, including fishing industry related commercial. The Bodega Bay Lodge and Chanslor Ranch have approved expansion plans, and a permit for a new inn has been approved on the LeBaron Property on Eastside Road. Environmental sensitivities and hazards were evaluated as part of the Bodega Bay Plan,

as were traffic constraints. Without the Bodega Bay bypass to Highway 1, only limited expansion of commercial activity will be possible. With the bypass, new tourist commercial areas are designated at the Le Baron site, at the southern end of the bypass, and across from the Tides. Expansions of the Bodega Bay Lodge and Chanslor Ranch (north of Bodega Bay) will also be possible as planned.

The Sea Ranch

The Sea Ranch has the potential full time population of 1400, compared to the potential of 1900 for Bodega Bay (300 existing population The Sea Ranch, 500 existing population Bodega Bay). Yet, The Sea Ranch has very limited existing commercial facilities, depending primarily on Gualala to serve residents' needs. It is not known at this time what level of additional development will occur in Gualala through Mendocino County's LCP. Some growth has already occurred in response to The Sea Ranch presence. It is recommended that the Mendocino County LCP recognize the potential population of The Sea Ranch and attempt to accommodate the commercial needs of residents, particularly for the northern five miles of the community. It is also recommended that the existing commercial center on Annapolis Road near the airport provide additional commercial facilities as land and sewer constraints permit, particularly for the southern five miles of the community.

Some visitor serving needs of the north coast are accommodated by The Sea Ranch as it presently exists. Plans to enlarge the number of overnight units at the lodge should be part of an overall development plan which provides adequate parking for public access to the coast, restrooms, and expanded food and bar service. Providing low cost overnight units at part of The Sea Ranch Lodge expansion should be encouraged. If an important residential commercial need, such as a grocery store or possibly a gasoline station, cannot be provided at Annapolis Road, such facilities should also be part of a comprehensive plan for lodge area expansion. The planned community zoning will only allow commercial uses at either of these two areas.

Duncans Mills

Duncans Mills is primarily a visitor center, currently providing much of the camping available in the coastal zone, and providing basic tourist as well as some local facilities. This is the only other area besides those previously mentioned that has an adequate water supply. There is no sewer system, and flooding is a seasonal problem, but some commercial expansion is potentially possible and recommended if septic system regulations can be met. No indoor overnight accommodations currently exist, and bed and breakfast facilities would be in keeping with the village character. In particular, hostel facilities in conjunction with existing campgrounds would be particularly desirable. Other expansion plans of existing campgrounds are discussed in private recreation facilities. Recommendations for expanded grocery and restaurant service have also been made in the citizen survey.

Jenner

Jenner currently provides restaurant, motel, and other community services, but a moratorium of water hookups is uncertain to ever be lifted, in addition to septic system problems. Even expansion of existing uses seems doubtful until these problems are resolved.

Bridgehaven

Bridgehaven also has a moratorium on new water connections, and has septic system problems. The only commercial facility, the Bridgehaven Resort, has a restaurant open until 5:00 p.m. and has six motel units available. Camping has been discontinued, as has gasoline sales. Eighteen trailers and mobile homes permanently occupy the small area near the Russian River. It appears likely that no expansions will be allowed in light of the service problems. The rebuilding of the bridge may ultimately effect the continued operation of the resort. Any rebuilding or expansion at this location would be in a major view area and also constrained by the small area of the parcel. Boat rentals and day use, particularly if permanent trailers are removed, seems most appropriate here.

Valley Ford

Valley Ford also has a ban on connections to its water system. As a small community center for the dairies in the southwestern part of the County, Valley Ford supplies basic local commercial and tourist services. A restaurant, cafe, and market provide food service, and gasoline and car repair are both available. No specific suggestions were made for needed facilities in the survey.

Because of the extent of existing residential and commercial development in both Jenner and Valley Ford, and the good location of each town on Highway 1, each of these communities would be appropriate for a modest expansion of commercial services, both local and tourist serving, if water and sewer services were available.

Pacific View Estates

The Coastal Conservancy is considering a project to transfer the development rights of this mostly undeveloped subdivision to another site to preserve important coastal views in this location. If transfer fails, it is proposed by the Conservancy that the extent of development to be allowed at this site not exceed 38 residential units.

It is recommended that visitor serving commercial facilities, including a maximum 38 inn or motel units, a restaurant, a bar, or any combination of these uses would be acceptable at Pacific View Estates only as a trade off for the transferred potential residential units. Visitor serving facilities are not recommended for any similar isolated locations on the Sonoma Coast. It should be noted that it is very doubtful that existing health department regulations can be met economically for such uses at this location. If regulations can be met, Unit II is less sensitive visually and would be the better location for any development.

Stewarts Point

The coast north of Jenner has four isolated commercial centers within a 15 mile stretch of the coast. Stewarts Point, several miles south of The Sea Ranch, and at the junction of Highway 1 and Stewarts Point-Skaggs Springs Road, has a General Store, with gasoline and public

restrooms. A medical clinic to serve the north coast has recently been constructed. A post office completes the services offered. The store would like to expand, either by expanding the existing building - an historic structure, or building a new building. The store does not currently comply with health department requirements and an expansion would allow handling of fresh meats. Business has expanded greatly since the medical clinic was opened. An expansion to a new building, with some adaptive use of the existing store, would be desirable. Any development should be consistent with the historic character of Stewarts Point. Suggestions have been made for a pharmacy, ambulance, and small hospital at this location. Emergency services are discussed in the development chapter. A motel and restaurant have also been suggested. It may not be possible to get County health department approval for these uses, but land is available and a modest expansion of visitor serving facilities would be desirable, particularly moderately priced overnight accommodations.

Ocean/Stillwater Cove

Ocean and Stillwater Cove are immediately south of extensive State Park holdings at Salt Point. The Salt Point Lodge and Cove House Restaurant are located on one parcel just north of Ocean Cove and are modest facilities in size and character. The Ocean Cove Store, a very picturesque small grocery, occurs east of the highway at the cove. Just to the south is the Stillwater Cove Ranch, a boys school, now uses as a small inn. A modest expansion of existing or new visitor serving facilities is appropriate in this vicinity if health department standards can be met.

The most suitable location for any new facility would be east of Highway 1 near the Ocean Cove Store where very dilapidated cabins now stand behind a great screen of Eucalyptus trees. Either modest indoor accommodations or camping should be considered for this parcel within the eastern area screened by the trees and in conjunction with a plan for day use of the cove that is sensitive to the natural environment. A public horse stable would also be a very appropriate use for a small portion of the grassland near the store - Salt Point State Park has miles of riding trails which would be immediately accessible to this location.

The only public stables in the coastal area are now located at Duncans Mills and at Chanslor Ranch. A rezoning of a portion of this parcel from Timber Preserve zoning would be necessary for any development east of the highway on this property.

Informal camping occurs without benefit of a use permit on the Ocean Cove Store property west of Highway 1 right on the cove. Any development proposals should include erosion control measures and rehabilitation to the bluffs at the cove. Due to the bluff degradation that has occurred here, only strictly controlled day use, including boat launching, is appropriate west of the highway. Continued camping and parking west of the highway will continue to impact the bluff and spoil the coastal view. Day use parking should occur east of the highway, though vehicular access to the cove to drop off boats and equipment should be permitted. The area at the cove sheltered by trees would be particularly suitable for picnicking and enjoying the ocean view.

The Salt Point Lodge is not well screened from view of Highway 1 - any expansion here should respect the view from the road. Stillwater Cove Ranch is better situated and has room for modest expansion of existing type of facilities. This parcel also has room for a horse stable open to the public or guests if access through the Ocean Cove property to Salt Point State Park riding trails can be attained.

Timber Cove

The Timber Cove Inn is the largest overnight facility between The Sea Ranch Lodge and Bodega Bay, and includes a major restaurant and bar. Management problems and changes in ownership have prevented the inn from maintaining its reputation for high quality, as remarked by some citizens in the survey. It is recommended that there be no expansion of use here, except improved parking facilities. A public accessway with parking is recommended in the access plan.

The Timber Cove Boat Landing and campground is a very intensively used parcel, providing the most comprehensive services to divers on the coast. Because of its small area and location on the coastal

terrace, any expansion or change in use would probably not meet health department standards. It is recommended that continued efforts be made to improve the visual quality of the development from Highway 1.

Fort Ross

The Fort Ross Store is located at Windermere Point, south of Timber Cove and north of Fort Ross. It is the only grocery between Stewarts Point and Jenner, and also provides the only gasoline service between these two points. Across the road, west of Highway 1, County and Coastal Commission approval has been given for a 16 unit motel and construction should begin soon. The owner of these two developments has expressed an interest in providing a one-car emergency automobile repair facility adjacent to the store, a need noted in the citizen's survey. It is recommended that this be pursued.

GENERAL RECOMMENDATIONS

The site specific recommendations presented above usually recommend expansions of existing facilities where water and sewer requirements can be met, or expansions in already developed areas. Other factors considered were land area and environmental constraints, visual and access suitabilities, and potential demand for types of facilities. In addition to the specific recommendations and the Coastal Act policies, the following general recommendations are intended to be reviewed against proposals for visitor serving facilities.

1. Public restrooms and drinking water facilities shall be provided where needed and appropriate as part of visitor or local serving commercial development.
2. Hostels, bed and breakfast facilities, and other lower-cost and low-impact overnight accommodations shall be encouraged where feasible.
3. Modest guest or "dude" ranches shall be encouraged as part of existing ranches to provide visitor serving accommodations and recreational facilities while fostering the continued ranch operations.
4. Informational signs and brochures should be made available to coastal visitors to publicize existing services and facilities.

PUBLIC AND PRIVATE RECREATION FACILITIES

OVERVIEW OF COASTAL RECREATION

Introduction

Recreationists have visited western Sonoma County since 1877 when the narrow gauge railroad reached Duncans Mills from San Francisco, boosting the local economy as the lumber industry played out. Until the twentieth century, visitors took stagecoaches to the coast from the Russian River area resorts.

The first park dedicated on the coast was Fort Ross State Historic Park, with the initial acquisition occurring in 1906. Kruse Rhododendron Natural Reserve and the Sonoma Coast State Beaches were initiated in 1934. Doran County Regional Park was purchased in 1942 and Westside in 1965. Salt Point State Park had an initial acquisition in 1968. Gualala County Regional Park was dedicated by the Sea Ranch to the County in 1969. The last new park-unit on the coast, Stillwater Cove County Regional Park, was purchased in 1972 less than a decade ago.

State and County Park lands account for about one quarter of the land within the Sonoma County Coastal Zone, with half of the coast line in State (23 miles) and County (3 miles) parks. Private recreational facilities only comprise one mile of coastline and one mile of Russian River frontage, yet they are important in that they provide much of the camping within the coastal zone.

State park lands are almost equally divided between the coast north of the Russian River (8673 acres) and the south coast (6800 acres) as are County park lands (209 acres in the north, 145 acres in the south). In the last year, recent acquisitions by the State Department of Parks and Recreation have substantially increased their holdings by almost 100%. Private recreational lands are concentrated in the north (383 acres) and along the Russian River (141 acres), with only 57 acres on the south coast.

Two of the four County parks are located in Bodega Bay, with a third at Stillwater Cove on the north coast and the fourth at the Gualala River. State parks are more evenly distributed throughout the coastal zone, with three park units in the north and one very extensive unit in the south. Private recreational lands and facilities are evenly distributed throughout the coastal zone.

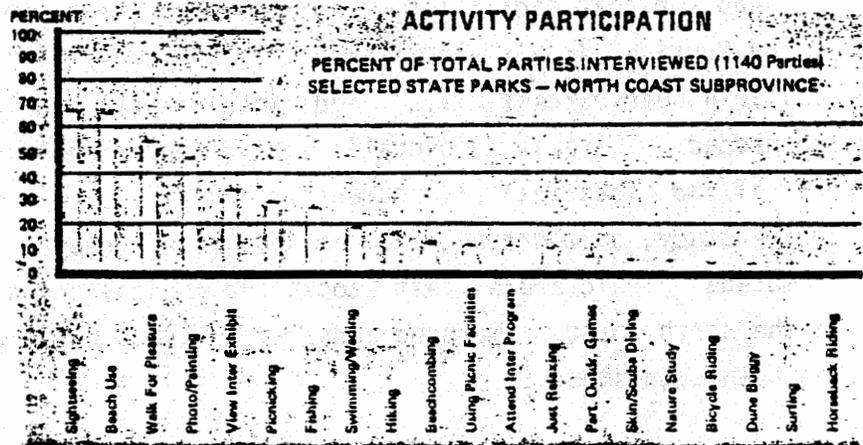
Camping opportunities provided by the State, County and private operators are about equally divided between the north coast, the Russian River area, and the south coast. Private recreational camping facilities are concentrated on the Russian River, with smaller facilities offering camping located to the north and south.

The LCP provides coordination of public agencies and private providers of recreation of the coast. Currently, the State is the major provider both in terms of land area and campsites; the private operations provide a very small amount of land area but about the same number of campsites; and the County is in-between, providing small parks and about one-sixth of the camping opportunities.

Recreation Activities and Facilities

Recreational activity on the Sonoma coast is dependent on the scenic and natural qualities of coastal woodlands, terraces, and bluffs, as well as the water-related qualities of sandy beaches, rocky shore, and rivers. Indeed, sightseeing comprises as much as half of the trips made by non-residents of the County on a summer Sunday on Highway 1 (Highway 1 Capacity Study) bicycling is increasingly popular on Highway 1. Other popular activities based on the coast's unique land/water edge qualities include general beach use, walking, picnicking, fishing swimming, diving, and birdwatching. The following table developed by State Parks gives an indication of the most popular coastal activities at selected State Parks between the Golden Gate and Oregon.

The cool weather and cool climate have a large affect on the type of recreation on the northern California coast, as do the natural features of the shoreline. The Sonoma County shoreline is predominately steep rocky headlands with no beach at high tides. Interspersed with the large expanses of headlands are rocky beaches and sandy beaches-not classified as swimming



beaches because of the cold water temperature. The predominate use of the Sonoma Coast's rocky headlands is sightseeing and skindiving. Rocky beaches are suitable for nature study, sightseeing, picnicking, sunbathing, and fishing. Nature study, walking, picnicking, sunbathing, fishing and wading are characteristic uses of sandy beaches.

Many types of recreation activities are noted to be growing in interest yet the Sonoma Coast is deficient in facilities. Safe bicycling and north/south, long distance hiking trails are essentially nonexistent. There are no hike-in or equestrian camp facilities. Camping protected from the wind, including hostels and additional camping for recreation vehicles, have been requested by citizens. Divers and fishermen have noted a need for additional access to the ocean, including parking, safe access for heavy equipment and car-top boats, and washing off and fish cleaning stations. Recreational boating in the Pacific Ocean is limited by the rugged climate. The need for boat facilities is addressed in the harbor chapter. Boating on the Russian and Gualala Rivers is a popular activity, with boat rentals available near Duncans Mills. Additional rental and launching facilities are needed. There is an overall lack of educational interpretation of the natural and historical environment though extensive areas exist where nature study, photography, and similar low intensity activities could be promoted. Picnic areas, rest stops, and coastal access trails are lacking on the north coast. Improved access to beaches for elderly and handicapped has been suggested.

In planning for different recreational activities, particularly with the uncertainty of future demands and desires, substantial modifications of the natural environment for a specific activity should be avoided. When a particular type of recreation can only be accommodated in a few locations on the coast, such as diving and ocean fishing, those areas should be protected from conflicting uses. The Coastal Act specifies that coastal dependent uses which can only occur at the coast have priority over non-coastal dependent recreational uses. New non-coastal dependent recreation such as tennis, pool swimming, and baseball can only be accommodated on the Sonoma Coast in established communities, such as Bodega Bay, to meet the recreational needs of local residents.

Ocean front sites enhance coastal recreation facilities such as hotels and restaurants. While proximity to the shoreline can enhance the user's enjoyment of these facilities with proximity to pounding surf, open vistas, and cool breezes, such location may

impact important coastal views from the highway and adjacent recreation areas.

Very important decisions on recreation revolve around the issue of camping and overnight accommodations. Many have commented that, with rising gasoline prices, recreationists in the Bay Area will use parks closer to home. Instead of Mendocino and north, visitors will come to Sonoma County, and many of them to the coast. Accommodations for overnight visitors will continue to be in demand.

Camping is both a support facility and a unique recreation experience related to the coastal resource. It can either be a minimal space to pull into late at night, leaving early in the morning, or a place to be for a few days where a lot of the quality of the coastal experience depends on the type of campground provided. Campgrounds can support recreational vehicles, tent campers, and primitive sites with minimal facilities, for either individual families or for groups. Campgrounds can be hike-in sites, also for small or large groups. Group camping may become more popular if people use busses to travel to their recreation destination. The broader issue of overnight accommodations involves choices between these variations of camping and the whole gamut of indoor accommodations: motels/hotels, rental of second homes, "bed and breakfast" places, guest or dude ranches, and bunkhouse or hostel-type facilities.

Choices between the various types of accommodations are to some degree a matter of local coastal policy. The Coastal Act does stipulate that lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. The one area in which figuring costs to the public user is difficult concerns recreational vehicles. With the large initial investment required or the high rental cost, and the very high price of gasoline, recreational vehicles are in the moderate to high cost range. Some of the operating cost of recreational vehicles could be reduced by storing recreational vehicles or trailers at a campground; this makes economic sense if you use your recreational vehicle often at a particular place. Low cost accommodations include tent or small vehicle camping, hike-in ("back-pack") camping and hostels. Moderate to high cost accommodations include motels/hotels, rental of second homes, bed and breakfast places, guest ranches, and recreational vehicle camping.

Recreational vehicle campgrounds with sewer, water, and electricity hook-ups are, in Sonoma County, only provided by the private sector. The Duncans Mills Campground manager has stated that in the summer of 1979, with the gasoline crises, more tent campers than usual patronized his facility, a facility which provides forty-five recreational vehicle hook-ups as well as tent camper spaces. The use of recreational vehicles may decline in time as gasoline prices rise. Unless a recreational vehicle is used substantially more than five weekends a year, it is just as inexpensive to stay at a motel or similiar facility as to buy and operate a recreational vehicle.

Most public campgrounds in Sonoma County can accommodate recreational vehicles though without hook-ups. Coastal County parks can each accommodate recreational vehicles though at an extra initial capital

expense. Parking sites must be level, extra vehicle parking area must be provided, and recreational vehicle sanitary disposal stations must be provided. The primary user issue related to recreational vehicle and tent or small vehicle (such as a station wagon or truck with camper) camper conflicts is the need for audial separation. Noisy generators at 6:00 a.m. are a great distrubance to those seeking an outdoor experience. The need for visual separation between recreational vehicles and other campers also exists.

The future may see many recreational vehicle users using tents or smaller vehicles, or staying in some type of indoor accommodation. The comfortable coastal camping season is only about one-hundred days. This dictates either not staying on the coast or finding indoor accommodations. With the wealth of second homes available to rent, with some increase in motel rooms, with incentives for provision of hostel facilities at campgrounds or guest ranches, with some increases in guest ranch facilities, and with allowance for bed and breakfast use of existing homes, a wide variety of low, moderate, and high cost indoor accommodations will be able to satisfy some of the demand for coastal accommodations throughout the year.

Visitation

The summer from June through August is the busiest season for coastal parks, with more than one-third of the visitor days occuring during these

three months. This corresponds to the warmer outdoor camping season days, though there is less fog in the spring and fall. Peak use occurs during holiday weekends (Memorial Day, Fourth of July, Labor Day) and other weekends in the summer. Visitation to the coast has been increasing annually as the population of Sonoma County and the metropolitan area increases. Sonoma County State Parks visitation for fiscal year 1978-79 was off 14%, however; this may be due to the rise in gasoline which occurred in May and June of 1979, months where visitation was significantly lower than the same months in 1978. The State Parks now have about one and one-half million visitors annually, and County parks provide for about one-third million visitors.

Historically the trend has been increasing visitation to the coast. The coast offers spectacular scenery, and many opportunities to enjoy a quiet escape from urban life. The challenge is to provide opportunities for various recreation activities for those who seek them without threatening the very existence coast's attractiveness. Public and private operators of recreational facilities on the coast have concurred that, on about ten weekends a year, the supply can not satisfy the demand for facilities, particularly campsites. Since the Coastal Act mandates that protection of natural resources occur, and providing sufficient campsites to meet the total demand on every weekend would not be economically feasible, the LCP attempts to provide a level of overnight accommodations, including camping, for an average level of demand.

Development Locations

The environmental carrying capacity and the psychological/social capacity of recreation lands are important factors in the recreation development recommendations. While quantification and measurement of recreational carrying capacity are difficult, sufficient information exists to describe the environmental carrying capacity of various coastal environments. For example, dry sandy beaches can tolerate intense recreational use without adverse effects. Dunes, on the other hand, are perhaps the most fragile of coastal habitats. Dune vegetation cannot tolerate foot traffic and recreational activities should be limited to scientific or educational uses. The carrying capacity of uplands and bluffs is dependent on the kinds of plant communities and animal species present. Bluffs are also subject to

erosion from heavy foot traffic. Tidepools are extremely fragile environments; the principal impacts of recreational uses are trampling and collecting of specimens. Wetlands and streams are also vulnerable to degradation from recreational activities, particularly trampling of vegetation, erosion, and disturbance of animal species.

Coastal Act policies and the attributes and limitations of the Sonoma Coast give much direction to planning where recreational support facilities, including visitor serving facilities and campgrounds, ought to be located. "Upland" locations are to be reserved for the support of coastal recreational uses, where feasible, according to the Coastal Act. This can be interpreted to mean locations for support facilities should be directly off the coastline east of Highway 1, or inland several miles. The more support facilities can be provided inland, the more the existing scene will be preserved.

A concept supported by Coastal Act policy, in order to prevent damaging the coastal environment in any one location, is that development should be distributed throughout the coast. However, from a park management point of view, it is just as efficient in terms of providing staffing to manage one-hundred campsites as thirty. Also, recreational nodes which provide a range of services would eliminate the need for some automobile trips. For these reasons, the closer that development of recreation and support facilities occurs to existing development and each other, the more effective management becomes and the more convenient staying on the coast becomes in terms of obtaining services. And, some stretches of the coast could be preserved for their natural qualities and relative isolation. Development, including recreation development, should generally be located east of Highway 1 in Sonoma County because facilities to the west would block coastal vistas. When provision of facilities can be made east of Highway 1, pedestrian safety crossing the highway must be considered. In some locations, sensitive location of day use facilities such as parking and restrooms could be allowed where the topography and dense vegetation can substantially soften the views toward the coastline.

PUBLIC RECREATION

INTRODUCTION

The State Department of Parks and Recreation has four park units on the Sonoma Coast: a reserve, a park, an historic park, and a beach. Each unit was created for a different purpose and has distinct development and management objectives. Recent additions to the land holdings of Sonoma County's State coastal park units have been welcomed by those pleased to see important lands acquired by State Parks. Other individuals have been critical of the ability of the State to provide ranger services and public facilities at these extensive holdings. Some are alarmed at the loss of lands from productive use, though recently acquired lands at Willow Creek (Sonoma Coast State Beach unit) and north of Fort Ross are currently leased to private ranchers for agricultural purposes. A major challenge of recreation planning in Sonoma County's LCP is to plan for the development of State Park lands.

Four county regional parks comprise the county coastal parks. The purpose of each park is to provide access to part of the coast and to provide recreational opportunities appropriate to the park land. County parks are almost fully developed.

One of the mandates of the Coastal Act is to provide maximum opportunities for recreation consistent with other coastal policies, such as the protection of natural and agricultural resources. The LCP's role is to coordinate this provision of recreational opportunities by the State Parks and Recreation and the County Regional Parks departments. The State and County,

in addition to the responsibility for park acquisition, are required to prepare detailed general or master plans for facility development. While preparation of master plans for individual park units is beyond the scope of the LCP and the mandate of the Coastal Act, the recommendations of the LCP establish a framework for facility planning in the coastal zone by the appropriate County and State departments. This framework recommends areas for a particular type and scale of potential recreational development on the Sonoma Coast consistent with the other mandates of the Coastal Act.

CHARACTERISTICS of EXISTING STATE PARKS

Kruse Rhododendron State Reserve

Northeast of Salt Point State Park and east of Highway 1, the reserve contains 317 acres of second-growth redwood, Douglas fir, tan oak and rhododendron. There are five miles of hiking trails through the quiet forest, with picturesque bridges over wintertime streams in fern filled canyons. There are restrooms and parking for 10 cars.

The splendid display of rhododendrons at this reserve is the result of an earlier forest fire. The regenerating forest is jeopardizing the floral display. To insure a continuation of the rhododendrons, selective cutting of tan oaks is occurring.

Salt Point State Park Unit

Kruse Ranch Acquisition. North of the existing Salt Point State Park, the acquisition includes 1350 acres of grassland, coastal terrace, and rocky intertidal zone spanning 2.1 miles of coast-

line. East of Highway 1, coastal woodlands predominate, with several coastal gulches (at Horseshoe Cove, Deadman Gulch and Cannon Gulch). West of the highway, the undeveloped nature of the very broad coastal terrace is unique for the Sonoma coast.

While no facilities have been developed yet, Horseshoe Cove is a good diving, surfing, and shoreline fishing area with several access paths to the sheltered cove. Some informal parking for day use is possible along Highway 1. This addition to the park has great potential as a day use area. Two verticle paths lead to the southern half of Horseshoe Cove and one path leads to Horseshoe Point. The bluff is used for lateral access. It is unofficially open to the public.

New facilities are currently being developed at Salt Point State Park just to the south of the acquisition. Divers and others use the Kruse lands now without benefit of any facilities. Lack of parking, restrooms, picnic facilities, marked trails, and ranger patrol make this a primitive day use experience area. Protection of the land's high scenic and natural values is a prime concern.

The cultural values are also considerable. The Kruse Barn is in need of restoration (this has District approval). Other historic buildings in this vicinity include a hotel and Wells Fargo office and store, buildings also needing restoration and adaptive reuse.

Developed Area - Salt Point State Park. Broad coastal terraces and dense coastal woodlands are the major habitats of Salt Point

State Park, spanning 7 miles of coastline from Cannon Gulch at Fisk Mill Cove to Ocean Cove. It comprises 4,600 acres and is the largest park on the Sonoma Coast. Other environmental features include the pygmy forest, the prairie meadow, Chinese, Phillips, and Miller Gulches, Warren and Wildcat Creeks, and Gerstle Cove Underwater Reserve. Facilities already developed or to be developed according to Coast Commission approval, are as follows:

West of Highway 1:

Gerstle Cove Area: Twenty-nine renovated campsites; multi-use facility with capacity for 25 persons, 7 vehicles and a bus, for day use or camping near existing ranger's residence; contact/check-in station with recreational vehicle trailer sanitation station nearby; an A-frame cabin near Gerstle Cove to be converted to an interpretive center; paving of road and parking at Gerstle Cove; existing parking/overnight area at edge of bluff to be restored to natural condition; existing parking/overnight area adjacent to Gerstle Cove entrance (lower terrace) will be paved with "grasscrete" and use limited to day use parking for 60 vehicles, with a dressing room/restroom building (primarily for divers), and a fish cleaning station; day use parking across from existing barn (upper terrace) for 60 vehicles. Barn is shown as "interpretive orientation" on preliminary park general plan.

Stump Beach Cove Area: Parking, picnic and pit toilet facilities are located just off Highway 1. A trail leads to the sandy cove.

Fisk Mill Cove Area: Across from the entrance road to Kruse

Rhododendron Reserve, day use parking for 60 vehicles and a restroom facility will be well-screened by existing vegetation and be used by divers and others. As part of this, it is planned to realign the entrance to Kruse Rhododron State Reserve. Fisk Mill Cove is a short hike to Gerstle Cove.

East of Highway 1: Contact/check-in station and trailer sanitation facility; multiple use group area for day and overnight use, with capacity for 50 persons, parking for 15 vehicles, a bus, and a restroom; 2 vehicle camping areas with capacity for 80 sites; 2 hike-in camping areas with 20 sites; 5 restrooms to serve the 100 camp sites; park support service area, with a maintenance building; relocation here of three cabins from cove area to be used as seasonal help quarters; 50,000 gallon water storage tank; well and water treatment building. This area is characterized by coastal forest and meadow and has been logged in the past. The development will not be visible from Highway 1. Marked riding and hiking trails already exist in this area.

The resource analysis of the Preliminary Salt Point State Park Resource Management Plan and General Development Plan (January, 1976) identifies most of the area west of Highway 1 as having high resource values and therefore having many restrictions to most uses and development. There is land east of the highway, primarily near the ridge, which could accommodate additional facility development because it has lower resource values.

Fort Ross State Historic Park Unit

Call Ranch Acquisition. The Call Ranch lands are located to the west of Highway 1 on a broad coastal terrace, just to the north

of Fort Ross State Historic Park, but south of Kolmer Gulch Cove. The grass covered terrace meets the ocean in a rocky shoreline and pebble beach. Divers have traditionally gained access here and camped along the old highway just north of the parking lot at Fort Ross. Kolmer Gulch just to the north of this acquisition has easy access to a sandy, sheltered cove. The area is unofficially open to the public for day use and leased for grazing.

These lands were purchased to provide a visual buffer to the historic setting at Fort Ross, where preservation and interpretation of historic and natural values are the highest priority. As elsewhere, the open terrace is vulnerable to view from the highway as well as to the prevailing winds which frequently buffet the coast. For these reasons, any recreational development should be day use and low intensity, in order not to detract from the natural, historical setting of the park. Hiking along the bluffs and access to the shoreline are existing activities which should be continued and formalized. Acquisition and development of access to Kolmer Gulch would further enhance recreational opportunities in this area.

Developed Area - Fort Ross State Historic Park. Fort Ross possesses outstanding historical, natural, and scenic qualities. Existing historical structures include a stockade, two block houses, the Russian Chapel, the Rotchev House and Russian well (Russian period); several Kashia Pomo Indian and Aleut sites; approximately 15 American period buildings; and park residence, garage, and park office (modern structures). Sheep grazing is

allowed here as has occurred historically. Active recreational uses (scuba diving, fishing, and boating) occur mainly in the Fort Ross Cove area.

The natural qualities of Fort Ross were a significant factor in the Russians choosing this site for their colony. Wide coastal terraces were planted for food crops, the cove provided a safe harbor, higher meadows were planted to fruit orchards, the high bluff was a suitable site for the fortress, and the rugged mountain backdrop discouraged overland intrusions. Today, because of the undeveloped pastoral nature of this section of the coast, the scenic values are outstanding. From higher elevations the view can extend as far south as the Point Reyes Peninsula. The immediate vista of mountains plunging into the sea encompasses the rocky shoreline, the offshore rocks and reefs, and forest and grassland patterns.

The Fort Ross State Historic Park General Resource Management Plan and General Development Plan (October, 1975) sets forth historical and natural themes to be interpreted at Fort Ross through the development of six interpretive areas. Camping, parking and administrative facilities are also proposed. It will require many years to fulfill the historic reconstructions envisioned. As part of the interpretation of the American period, it has been suggested that Fort Ross School, a restored one-room schoolhouse presently located in a remote location at Stillwater Cove Regional Park, ought to be established at Fort Ross.

The general development plan was prepared for a somewhat different area than is currently owned by State Parks. Acquisition of more coastal terrace to the north and south, and less uplands, has occurred. Some of the suggested facilities are not consistent with Coastal Act policies.

Eckert Acquisition. The broad coastal terrace continues south of Fort Ross past Mill Gulch, narrowing into steep high cliffs north of Timber Gulch. Jewell Gulch, in the high cliffs region, is the southern boundary of this recent addition to Fort Ross State Historic Park. Beyond the original Fort Ross Park area, the State owns property only west of Highway 1.

The Pedotti family has leased the land from the State for continued agricultural and recreational use. A number of ranch buildings are located just west of the highway. While not a part of the State ownership, they are part of the sheep grazing operation and contribute to the visual setting. There is an existing camping area in the ravine just north of the ranch buildings. Camping also occurs on several coastal terrace sites, with the only facilities being vault toilets. Because of the wind, vehicle camping is the usual mode here. Camping and day use activities are to be developed and managed by State parks while maintaining compatibility with the historic, natural and scenic qualities of Fort Ross State Historic Park. The development of most of these lands is proposed in the Fort Ross general development plan, with the most southern lands not covered in the plan. However, as these lands are very steep cliffs, any use seems prohibitive.

The general plan proposes a total of 95 campsites in four areas at Fort Ross State Historic Park. The ravine area is well protected from the coastal winds and generally not visible from Highway 1. The Fort Ross plan states that there is adequate space for 20 camp units. The coastal terrace site, proposed for 35 recreational vehicle sites, is exposed to view from the

highway and exposed to coastal winds, though the general plan states otherwise. The proposed group camp area is to accommodate 30 people and 10 vehicles. It is located east of the highway behind a hill, screened from view and the wind. It is on original Fort Ross park grounds, and currently used by archaeological groups. The last camp area proposed is north of the fort, to accommodate 20-30 campsites. The sites would be protected from public view but the State has yet to acquire the property.

Sonoma Coast State Beach Unit

North Jenner Beach/Russian Gulch Acquisition. The State has acquired all the land from Russian Gulch almost to Jenner, west of Highway 1. Access to the sandy beach is an easy walk at Russian Gulch from the highway, where there is informal parking on both sides. Illegal camping occurs under the willow trees. The remainder of the acquisition is a narrow coastal terrace, with bluffs surrounding several unnamed coves. Use of this area is limited to those willing to walk down steep paths to gain access to the ocean, or for walking on the bluff tops. Many of the trails are hazardous and existing use is eroding the bluffs. Haphazard parking along this stretch creates a traffic hazard and blocks visual access to the shoreline.

Jenner State Parks Building. A building owned by State Parks and Recreation in the town of Jenner, across from Murphy's Jenner-By-The-Sea, is currently unused. The building and parcel could be used for physical and visual access to the Russian River including use as a visitor center. Jenner has a central location on the Sonoma Coast. There is limited access to the river and the coast within the town of Jenner.

Penny Island. Located near the mouth of the Russian River, Penny Island is part of the State Parks ownership but has no designated status.

Willow Creek Acquisition. The State recently acquired the lower half of the Willow Creek watershed, about 2,250 acres of an east-west running coastal valley. Acquisition of 450 additional acres in the upper watershed has been proposed in order to control timber harvesting and other activities which could adversely effect the environmental values of the creek and marsh in the lower watershed, and the potential recreational use of the area.

The upper watershed is protected against on-shore winds and fog to a greater degree than the lower watershed. The ridges are often exposed to chilling on-shore winds. Vegetation ranges from redwood forest, to mixed hardwood and conifers, to riparian vegetation and grassland. Each vegetation type provides habitat for many wildlife species. The existing use of the land is grazing and hay farming, with most timber outside of the State property. Some informal camping occurs along Willow Creek in the redwood areas, with fishing and hiking the major recreation activities.

This recent addition to the Sonoma Coast State Beach was to complete the acquisition of the bulk of the Willow Creek watershed, to provide land for the development of riding and hiking trails, and to provide an area for adequate support facilities (i.e. trailheads and camp sites). These goals can not be met completely because the acquisition did not include the upper watershed as proposed.

The recreation potential of Willow Creek includes a major trail connecting the recreation areas at Duncans Mills and the coastal beaches, as well as potential for loop trails of various lengths and difficulties for hikers and horseback riders. Trails on the ridge would provide vistas of the Pacific shoreline as well as inland.

The State Park project investigation for Willow Creek (December 1, 1977)

states that there are many sites where standard and primitive camping could be established to serve the Willow Creek area and the day use facilities of the Sonoma Coast State Beach.

Developed Area - Sonoma Coast State Beach. The Sonoma Coast State Beach encompasses the entire coastline west of Highway 1 from Russian Gulch to Bodega Head, with the exception of Jenner and Bodega Bay. There are also some residential inholdings at Bridgehaven, Goat Rock, Pacific View Estates, Ocean View, Gleason's Beach, and Salmon Creek. The discussion here focuses on the bulk of the State beach from the mouth of the Russian River to the Bodega Marine Reserve. The coast is a terrace of varying widths, forming several secluded coves. A series of beaches are separated by rocky bluffs, with tidepools and seastacks adding to the scene. Parking lots and trails provide access for beach combers, fishermen, picnickers, and sunbathers at more than a dozen points along Highway 1. Camping is provided at Wrights' Beach and Bodega Dunes, treated separately below. All of the coastal portion of the Sonoma Coast State Beach is visible from the coast highway and is subject to coastal winds.

Day use of the beaches is very popular because of the easy accessibility to the population centers of Sonoma and Marin Counties. Many visitors make the loop from Petaluma, up the coast at Bodega Bay, and inland at Jenner along the Russian River. A series of parking lots west of Highway 1 provide for a total of 1295 vehicles. Additional day use parking is shown on the general development plan map for the Sonoma Coast State Beach: 150 cars at Salmon Creek, where the existing park office is located; and parking for 400 cars in four locations in the sand dunes. Each proposed parking area also shows restrooms and picnic sites. The desirability of locating this magnitude of parking has been evaluated in the transportation plan. Day use picnic

facilities should also be reduced in scale. While parking and access are generally adequate for the beach, interpretive facilities, including nature trails, and exhibits, are lacking. Another clearly identified need is to better warn the public of the potential danger from "sneaker" waves, large waves that sweep the beach particularly at Death Rock (Duncan's Landing). There is also danger from the cliffs crumbling while people are on or below them. The residential inholdings within and adjacent to the State beach vary from areas containing numerous developed lots to subdivisions with only minimal buildout. There is a potential to purchase minimally developed subdivisions and either reconfigure the lots with a better design or to transfer the development rights to another location. Such a project is currently being pursued at Pacific View Estates by the California Coastal Conservancy. See the visitor serving facilities plan for the Local Coastal Plan recommendation. Developed inholdings, such as at Goat Rock are generally very expensive to acquire and, while desirable, are dependent on the availability of funds.

Wright's Beach State Campground. Located north of Duncan's Landing, there are 30 developed campsites around the edge of Wright's Beach. There are no showers, but as this is the only camping right on the beach on the Sonoma coast, it is a very popular spot. Reservations are available through Ticketron for this and the Bodega Dunes State Campground. The site is fully developed.

Bodega Dunes State Campground. This campground has 98 developed sites, with hot showers, restrooms, a trailer sanitation station, and a campfire center, located $\frac{1}{2}$ mile south of Salmon Creek in the eastern part of the sand dunes. Sites are somewhat protected from the wind, separated from one another, and not visible from Highway 1. A riding and hiking trail is

located in the dunes area, with access at the north end of Bodega Bay. Concern has been expressed over trampling of the dunes and dune vegetation by uncontrolled access to the beach across the dunes. Another issue is the potential acquisition of several small parcels located in the dune area to protect them from residential development.

Bodega Head. The southern most area of the state beach, this marine terrace is the headland of a peninsula which is covered in grassland, with a rocky intertidal shoreline on the Pacific Ocean and Bodega Harbor on the inland side. It is well-known as the site where a nuclear power plant was proposed in the 1960's. A deep hole excavated for the project is now a fresh water pond valuable as bird habitat and used currently as an experimental salmon-raising site. Bodega Head is generally used for picnicking, short hikes, and for viewing the coast, the whale migration, and Bodega Bay. Some diving and fishing occurs here. The area is accessible by taking Westside Road, and restrooms are provided at one of the two parking areas.

The Bodega Marine Reserve is located to the north of Bodega Head and south of the Bodega Dunes Campground. The University of California, operator of the Marine Reserve, has identified trespass on the reserve from Bodega Head as an issue, with impacts on vegetation, wildlife, and surveillance costs. They recommend that State Parks refrain from any recreational development here, especially development of the hilltop at the northern boundary. Any recreational development should be channeled into the southern area and should be limited to low key day use activities as exist currently. They also recommend designation of the northern area as a State Preserve or recommend a land swap with the University. They state that the area also has a sensitive east-facing gully which provides habitat for birds and should be protected. Equestrian use of the area should be prohibited

to avoid erosion and vegetation trampling.

The University of California also has concerns related to the northern boundary of the reserve: The potential for vegetation trampling by pedestrian and equestrian access, with its attendant dune activation and sedimentation of downwind marshes and mudflats. They recommend elimination or strict control of equestrian access here. They also recommend continued open space uses near the Clark Marsh (on State Park property) to protect that viewshed and the marsh.

CHARACTERISTICS of EXISTING COUNTY PARKS

Gualala Point County Regional Park

Gualala Point County Regional Park is the northernmost park in the County, with a varied landscape of coastal strand, marsh, prairie, northern coastal scrub, and redwood forest. The park has both Gualala River frontage and coastline, with 21 vehicle and 8 walk-in campsites east of Highway 1. Steelhead and rock-fishing, boating, hiking, picnicking, nature study, and whale watching are popular activities. Only day use occurs west of the highway.

While the park is already generally developed, the Sonoma County General Plan recommends a Gualala River Trail expansion. A 200 foot wide trail along the south bank of the Gualala River is proposed from the existing campground easterly to the junction of the north and south forks of the river. The property is owned by Gualala Redwoods; an easement or fee title would have to be acquired. Acquisition of additional land to expand the camping available at the park by about 30 sites has been suggested. Land could be acquired from Gualala Redwoods or from The Sea Ranch just to the south.

Gualala River Wayside Park

The property, at the junction of Annapolis Road and the Gualala River, is already owned by the County. As recommended in the Sonoma County General Plan, it will provide picnic and restroom facilities.

Stillwater Cove County Regional Park

Located just north of Fort Ross, this park offers a beautiful rocky shore and sheltered cove beach well utilized for diving, rockfishing, and tidepool viewing. East of Highway 1, Stockoff Creek forms a redwood canyon with hiking and nature study opportunities. The Fort Ross Schoolhouse has been restored and located here. It is currently used on a sporadic basis. There are also picnic, toilet, and day use parking facilities near the canyon and cove areas east of the highway. Twenty standard campsites will be developed on a knoll above the highway, on the edge of a meadow bordered by mature tree growth, with ten walk-in sites in a location nearby.

Day use facilities within the cove itself are also to be developed: restroom building, inflatable rescue craft building, paved pathway, fish cleaning and wash-off station, and vehicle loading area near the highway. With this additional development which has recently been approved by the Coastal Commission, this small park will be fully developed (with the exception of interpretive facilities) according to the existing master plan (August, 1976), and at its present size.

An expansion of the park was envisioned in the General Plan as an acquisition of additional land to the north and south of the park, west of Highway 1. A building permit for a residence on the 13 acre parcel to the south has resulted in an offer of dedication for access across the property to the rocky beach south of the cove. With this, further acquisition is not necessary to

the south. Purchase of the several smaller lots to the north would be very desirable as a Coastal Conservancy project and, at least, a bluff top easement should be obtained to Ocean Cove. The purpose of any property acquisition to the north would be for view protection and bluff top and beach access.

The California Coastal Plan recommends expansion of the park to include all of Stockoff Creek Canyon. This would entail acquisition of a part or all of a 640 acre parcel. The headwaters of the creek are in Salt Point State Park. This would allow expansion of the trail along the creek to Salt Point, creating a 12 mile trail.

Doran County Regional Park

A sandspit curving out from the mainland, this park borders Bodega Harbor to the south, and has small sand dunes and a long sandy beach on its Bodega Bay ocean side. Camping is provided for 127 vehicles, with 10 walk-in sites and 1 group walk-in site accommodating up to 40 people. Restrooms, showers, trailer sanitation facilities and a fish cleaning station are provided. Boat launching, clamming, crabbing, fishing, diving, picnicking, nature walks, and bird watching are popular activities.

This heavily used park is generally developed. Because it is an older park, the preliminary Park Master Plan recommends that six new restroom buildings with showers be built to replace existing toilet facilities. A screen for two chemical toilets to serve the east day use parking area has been proposed. Need for a campfire program center and concession snack bar building has also been identified. Other replacements or modifications to existing facilities are proposed: completion of existing campgrounds, addition of showers to

existing buildings, boat launch ramp modification to accommodate only small boats, conversion of all restroom and trailer sanitation facilities to Bodega Bay sewer, and continued dune stabilization and landscaping.

Westside County Regional Park

This small 25 acre park is located across the bay from Doran Park on Westside Road. Formerly part of the harbor tidal flats, the park was created by bay fill from the "Hole in the Head". There are 47 vehicle campsites, with restrooms, showers, and trailer sanitation facilities. A boat launching ramp provides access for larger boats to the harbor. During salmon season, the park has 95% occupancy with fishermen and families. Fishing and clamming are important activities.

As stated in the Park Master Plan, development of Westside Park is nearly complete, with the following modifications of existing facilities planned: completion of existing campground sites; installation of parking barriers, picnic tables, and barbeques at the boat launch ramp; construction of new entrance sign; and conversion of restroom and trailer sanitation septic systems to sewer main connection of the Bodega Bay plant. Need for a fish cleaning station has also been identified.

Sonoma Coastal Trail

As stated in the California Coastal Plan,

A system of coastal trails (including waterways valuable for canoeing and kayaking) and overnight shelters for hikers, bicyclists, and equestrians would make more of the coast accessible to more people and would allow people to enjoy the scenic qualities of the coastline. Coastal trails being planned and developed by public agencies will be coordinated and linked into a State coastal trails system as part of the California Recreational Trails and Hostel Plan prepared by the State Department of Parks and Recreation, which will coordinate the overall trails system with local and regional agencies and organizations.

Bicycle riding is inexpensive, does not harm the physical environment, and provides both transportation and recreation. Increased bicycle use in the coastal zone can be strongly encouraged by giving high priority to the construction of special bike lanes and the provision of bike storage racks at coastal designations.

The parks on the coast provide many miles of hiking opportunities, but there is no coordinated system which physically links the trails. While 25 miles of trails are currently developed, many more miles will be developed and should form the backbone for the Sonoma coastal trail. Hikers can use the coast during the dry seasons of the year. Signs and brochures to alert visitors to the location of trails and camp facilities are needed as part of the system. A coastal trail along the coastal terrace, the beach, or the highway should connect the various public and private recreational activities, facilities, and support services with existing communities and commercial services. Trailheads at intervals along Highway 1 will provide access from the road to the trail, and will be coordinated with accessways designated as part of the access plan. Parking, restroom, picnic, and hostel and camping facilities will also be part of the trail system.

Three Sonoma County coastal camps were part of the Bikecentennial Camp Program--Doran, Salt Point (Stump Beach) and Gualala Parks, providing cyclists with water, restroom facilities, and places for sleeping bags for \$.50 a night. Users reported a desire to have all State parks accommodate cyclists at a reduced rate. Inadequate shower facilities and need for provision of storage lockers, shelters, and cooking facilities have also been noted. The camping needs of cyclists and hikers are very similar.

Extensive equestrian trails are currently provided at Point Reyes National Seashore in Marin County. On the Sonoma Coast, private facilities generally provide stables, horse rental, and riding trails (Chanslor Ranch, Duncans Mills, and The Sea Ranch). Salt Point State Park has equestrian trails but no rental facilities.

Specific Recommendations

Kruse Rhododendron State Reserve Additional parking and additional trails or rerouting of trails may be necessary as visitation increases and the natural environment evolves or is modified to maintain the rhododendron display. It should be noted that the proposed facilities at Fisk Mill Cove can provide parking for visitors to the reserve.

Salt Point State Park Unit

Kruse Ranch Acquisition. The recommendations of the access plan (#17-19) represent the full range of recreational development recommended for the Kruse Ranch Acquisition west of Highway 1. Horseback riding and hiking trails should be developed east of the highway.

The Kruse barn should be restored, as should the old Wells Fargo Office and store structure. Adaptive reuse for interpretive or informational purposes, or particularly as a youth hostel, should be pursued. The trailer should be relocated out of sight at the park support service area.

Developed Area.- Salt Point State Park. Beyond those recommendations approved by the Coastal Commission, two types of facilities to accommodate 50-100 persons at each are recommended: a campground oriented toward horseback riding, with a corral for horses; and a campground oriented toward hike-in camping. Each of these camp areas should not be accessible to the public by vehicle, only by horseback and hiking. Suitable areas for this having "greater use and development potential" are shown on the Resource Analysis Synthesis of the preliminary development

plan.

All existing and new trails should be signed and include some interpretation of the natural environment. There is need for designation of the trail from the intersection of the riding and hiking trail and Highway 1 which leads to the bluff in a westerly direction. Currently, there exists informal parking along Highway 1 at this location about one-half mile south of the Stump Beach day use area and no formalized trail. A specific trail in this location and any others where use occurs in an informal manner will help preserve the park's sensitive resources.

Fort Ross State Historic Park Unit

Call Ranch Acquisition. The recommendations of the access plan (#32) represent the full range of development recommended for this acquisition.

Developed Area and Eckert Acquisition. The proposed realignment of Highway 1 and the scenic overlook should be carefully reviewed in relation to maintaining the rural character of the road. The environmental, cultural, and visual impacts of the proposed tree and structure removal, and the additional fencing need to be justified. The siting of the visitor's center and the need for and location of the future parking area should also be scrutinized.

There is an expansion shown of trails connecting the parking, fort, and day use areas which should be coordinated with other coastal trails. Other access recommendations are made in the access plan (#33 and 34).

Twelve acres of ranch structures have been excluded from the State acqui-

sition and are utilized for the lease-back grazing operation. If grazing is to be continued on State Park property, a ranch headquarters in the vicinity of Fort Ross is necessary. The Call house and barn near the fort should be restored to a 1890's living museum, eliminating the need to utilize the excluded ranch structures here for that purpose. Important historical structures could be purchased and relocated to the fort area.

The general development plan shows the proposed acquisition of additional acreage east of Highway 1 and north of the park, to include ranch buildings, a proposed camping area (30 units), and an old Russian logging site and proposed picnic site. The acquisition should be pursued as shown on the plan, with the timber land leased back for managed forest use. Selective timber harvesting should not interfere with the visual or management objectives of the park. The lower slopes are appropriate for personnel housing and administration center as proposed at the ranch buildings. Camping would be exposed to the highway and should not be pursued in this location. The picnic areas proposed at the orchard sites, logging site, and the scenic overlook on Fort Ross Road are desirable uses for the Fort Ross uplands.

The only camping recommended at the park includes the 20 vehicular access units in the ravine area currently used for camping, and the group camp area currently in use east of the highway. The coastal terrace south of the fort should be day use only, as recommended above.

Sonoma Coast State Beach Unit

North Jenner Beach/Russian Gulch Acquisition. For Russian Gulch, follow the recommendations of the access plan (#37). In addition, consider providing about 15 campsites under the willows for hikers and cyclists.

For North Jenner Beach, provide one parking area and restrooms mid-way to serve the area between Jenner and Russian Gulch. The best location is

east of Highway 1 (not on State property) just north of Manni Gulch where there is easy access to the expansive beach. Also, construct trail from parking area to No Dog Beach, including safe shoreline access to double cove. Eliminate other roadside parking areas and continue to maintain a ranch-style fence to keep vehicles off the bluffs.

Jenner State Parks Building. See recommendations in access plan (#39).

Penny Island. The important plant and animal values need to be preserved for their educational and scientific enjoyment. Public use should be controlled by designating the island a state reserve or natural preserve.

Willow Creek Acquisition. The existing State Park land at Willow Creek is suitable for a minimal amount of low impact camping. A trail from the Goat Rock area along the southern ridge to the upper Willow Creek area should be developed, with hike-in campsites at the end of the trail. Hikers could utilize the Willow Creek Road to Bridgehaven, then hike along a riverside access route back to Goat Rock (see Access Plan recommendation #48). A nature trail to interpret the marsh would also be desirable. East of Bridgehaven, there are two turnouts on Willow Creek Road with informal trails to the river. These trails should be formalized to provide day use access to the Russian River. The borrow pit here should be rehabilitated. The Willow Creek ranch buildings, including a 1860 house slated for restoration soon, would be particularly appropriate for adaptive reuse as a hostel and an environmental education facility, or visitor center. Any development here should be in keeping with the historic character of the existing structures.

Auto-accessible camping may be appropriate near the eastern boundary of the

current state holdings, between Willow Creek Road and Willow Creek itself. This area is screened by trees from the lower valley, is fairly level, and could provide some camping. Further land acquisition if necessary to gain more land appropriate for auto access camping.

Developed Area-Sonoma Coast State Beach. The access plan has numerous recommendations which relate to the State beach (see recommendations #47, 48, 51, 52, 53, 55, 56, 57, 58, and 59). The transportation plan also has recommendations relating to parking along Highway 1.

A visitor center in the vicinity of Salmon Creek or the Bodega Dunes campground would be located in the most visited area of the State beach. A nature trail at the Salmon Creek marsh is desirable here to educate people about this unique environment. Any interpretive facilities and the general park brochure should better educate people about the hazards of sneaker waves and unstable cliffs. Some additional picnic facilities may be desirable along this stretch of Highway 1, though many visitors will simply utilize beaches which may be more sheltered from the wind.

Wright's Beach State Campground. No expansion is recommended here.

Bodega Dunes State Campground. It is recommended that boardwalks to direct foot traffic across the dunes be instituted in more heavily used areas between the campground and day use parking, and the beach. Acquisition of the two 10 acre parcels and the two smaller parcels to the north near the Ropolo well is recommended to protect the dunes from development.

Bodega Head. It is generally recommended that only improvements to existing facilities be pursued by State Parks, such as improved parking, restroom, and picnic facilities. Signing of trails for sight seeing and diving access

should also be considered. Removal of all fencing except that needed to prevent access to the Hole in the Head is recommended. If the salmon-raising is discontinued, the pond should be reserved for its previous use as wild-life habitat. See access plan for recommendation on trail connection between the headlands and the campground area (#63). The reserve should not be expanded into either a residential or classroom campus.

Gualala Point County Regional Park. In conjunction with access plan recommendation #4, it is proposed that a small (25-unit) campground be pursued. If owned and operated by County parks, the addition would make a logical completion of the existing County park operation. Selective logging should occur prior to sale to the County in conjunction with a plan for campground development. No further logging would occur on the campground after title was assumed by the County. A second possibility is for Gualala Redwoods to continue to own the land and develop the facility. If managed by Gualala Redwoods, the campground area could be relocated within the area south of the river and along with the proposed trail, as warranted by timber management requirements.

Gualala River Wayside Park. Provide picnic and restroom facilities.

Stillwater Cove County Regional Park. See access plan recommendations (#22, 23, 24, and 25). In addition, the proposed development approved by the Coastal Commission is recommended (30 campsites and day use facilities). Eventual relocation of Fort Ross School to the fort is desirable from a historic perspective, though, in the interim, full use of the structure should be attempted as part of the park's interpretive program.

Acquisition of a trail easement along Stockoff Creek to the ridge and Salt Point State Park, and acquisition of a scenic easement along the trail corridor, is recommended.

Westside County Regional Park and Doran County Regional Park. Follow recommendations of "Preliminary Master Plan, Doran Park and Westside Park"

SONOMA COASTAL TRAIL

A plan showing the coastal trail has been prepared. The Sonoma coastal trail will provide opportunities for both hikers and bicyclists. Bicyclists will generally use Highway 1, with wider paved shoulders, except in Bodega Bay where other routes will be available (see transportation plan). Hikers will utilize a trail on the coastal terrace, the beach, and Highway 1 where no other viable alternatives exist. Both day use and overnight use will be possible with linkages to appropriate facilities and loop design of some trail segments. Overnight facilities should be located every 10 miles to accommodate hikers; long distance cyclists usually travel 25 miles per day. Safe means for storing bicycles and camping equipment shall be provided along the coast.

Different segments of the coastal trail off the highway should be constructed to different standards. High use trails should accommodate service vehicles, wheelchairs, and bicycles with eight feet clearance, and a dirt surface and trail width of six feet. Moderate use trails should have six feet clearance, and four feet trail width. Low use trails should have four feet clearance, two feet width.

Acquisition of new trail segments, where necessary, will be accomplished by three general methods: through government regulatory powers by condition of development approvals; by voluntary purchase of easements or fee simple; and through purchase by power of eminent domain, where necessary. Responsibility for trail maintenance should be placed with the State except where the trail passes through lands maintained for public recreation use by other

governmental entities. Designated trail routes shall be opened to public use only after the public agency that owns or operates the trail segment accepts full responsibility for the management, maintenance, supervision, and liability for the trail and trail activities. See access plan for other trail recommendations.

ACQUISITIONS

The desirability of various additions to State and County parks are discussed in the context of each park unit. Minor acquisitions which may be desirable, for example, to allow development of parking facilities east of Highway 1, are not summarized here. Acquisitions primarily for coastal access are discussed in the access plan. The major park land acquisitions are summarized below.

<p>Fort Ross State Historic Park: Call Acquisition</p>	<p>Complete acquisition of Call Ranch north to Windermere Point along coastal terrace and including grassland slopes to ridge north of existing park land.</p>
<p>Sonoma Coast State Beach: Willow Creek Acquisition</p>	<p>Complete acquisition of Willow Creek watershed as proposed in the 1977 project investigation.</p>
<p>Goat Rock and Pacific View Estates Inholdings</p>	<p>Acquire several undeveloped parcels to prevent residential development. Second priority, acquire developed parcels.</p>
<p>Bodega Dunes Campground</p>	<p>Acquire several undeveloped parcels in dune area near well.</p>

Gualala Point County Regional Park

Acquire four parcels north
of park and two acres south of
park on coastal terrace.

Acquire easement along Stockoff
Creek to Salt Point State Park.

Doran County Regional Park

Acquire parcels on the west side
of the loop road in Bodega Bay.

Undeveloped parcels should have
priority over developed parcels.

Potential Coastal Conservancy
Project.

General Recommendations

In addition to the specific recommendations for parks and the Coastal Act policies, the following general recommendations are a further guide for the development of public recreation facilities.

1. A central information and reservation system should be instituted for public parks on the Sonoma coast to help distribute visitors to available campsites.
2. As described in State Park regulations, one night camping in day use areas should be allowed by park district superintendents to alleviate critical camping needs and help prevent camping along county roads and Highway 1.
3. Immediate measures, including fencing of coastal terraces and stabilization of structures, should be taken by State Parks to protect the natural and cultural resources of new acquisitions.
4. Campgrounds should be located whenever possible in areas that have already been disturbed. They should be generally small and sited in unobstrusive locations. No paving should be used.
5. Hostel facilities should be developed, within existing structures where possible, to help provide low cost indoor accommodations.
6. Parking areas should be unpaved, located in visually screened areas, and only developed in response to a demonstrated need.

Characteristics of Private Recreation Facilities

The Sea Ranch Golf Course. Located at the northern end of The Sea Ranch, this 150 acre, eighteen (18) hole golf course is developed on a coastal terrace west of Highway #1. There is parking for 60 vehicles.

Louisiana-Pacific/Call Ranch Property. Louisiana-Pacific (LP) proposes to develop a demonstration forest along Kolmer Gulch east of Highway 1 on land recently acquired by them. This same land has been proposed for acquisition by the State for addition to the Fort Ross State Historic Park, primarily for view protection. In addition to the demonstration forest, LP proposes to develop a 60 unit campground nearby on a grassland bench out of view of Highway 1. They also propose parking for day use of the beach at Kolmer Gulch. Public access to the beach from the parking area east of the highway would also be provided.

River's End. This small (4.6 acre) parcel is located on the northside of the mouth of the Russian River in Jenner. Limited camping is allowed along the river in an exposed location with very little shelter. Diving conditions are not very good, but boat launching is available. Day use of the beach is possible. Cabins, a restaurant, and bar are also located on the property.

Duncans Mills Campground. Located in Duncans Mills, this 33 acre parcel is on the north bank of the Russian River, with sandy beach and riparian

vegetation. Forty-five campsites with hook-ups are available and 80 without, with restrooms, showers, and recreational vehicle (RV) sanitation facilities also available. Public day use is allowed, with fishing, boating, hiking, picnicking, and horseback riding (including rentals) common activities. The location right in the town near services is convenient.

Cassini Ranch Family Campground. Located just east of Duncans Mills, this large, 100 acre campground is along the south bank of the Russian River, with a sandy beach and riparian vegetation. Public day use is allowed, and 129 campsites with hook-ups are provided, and 85 without. Storage of RVs for a nominal monthly fee allows people to use the facilities without moving their vehicles. Restrooms with showers and an RV sanitation station are provided. Activities include fishing, boating (with a launch and rentals), picnicking and sunbathing.

Bodega Bay Trailer Park. Located on the westside of Highway 1 at Bay Hill Road just north of Bodega Bay, this trailer park provides 78 spaces with hook-ups for RVs. Some parking for guests is provided per their use permit; restrooms with showers and an RV sanitation station are also provided. There are no on-site recreational activities, though the trailer park is located adjacent to the Sonoma Coast State Beach.

Bodega Harbour Golf Course. This nine-hole course is developed on a coastal terrace west of Highway 1 as part of the Bodega Harbour Sub-division. There is a pro shop and snackbar, with a club house, pool, and locker rooms available to Bodega Harbour residents only. Parking for 60 cars is provided. The golf course has indicated they want to expand the pro shop in another location and add parking spaces for 30 vehicles, both to be located near the third tee.

Recommendations

The Sea Ranch Golf Course. No expansion is recommended.

Louisiana Pacific/Call Ranch Property. Development of the modest size, auto-accessible campground, but not to provide hook-up for recreational vehicles, is recommended. The campground should be in conjunction with public parking and access to Kolmer Gulch beach, and with the demonstration forest.

River's End. Public day use of the beach should be continued here. Remodeling or expansion of the cabins, restaurant, and bar, which may be desirable to continue to utilize this prominent location, will require meeting the health department requirements.

Duncans Mills Campground. Additional campsites are recommended (up to 50), particularly as part of plan to provide a hostel facility. The proposal to develop a self-guiding nature trail of the marsh on the north side of Highway 116 should be pursued, subject to environmental review. Continued public day use including parking shall be continued.

Cassini Ranch Family Campground. A substantial increase in campsites is possible with the acreage available. Any development plans should include prohibition of camping between the river and the riparian vegetation as currently occurs. An increase in camper services, such as a small store, recreation room, and laundry facility, as proposed, will allow most needs of campers to be met on the property. Continued public day use including parking shall be continued.

Bodega Bay Trailer Park. There is no land available for expansion.

Bodega Harbour Golf Course. The addition of a pro shop and additional parking is recommended.

Sonoma
Coast

NORTH SONOMA COAST CITIZENS

P.O. Box 43

Stewarts Point, CA 95480

March 16, 1978

NORTH CENTRAL COAST
REGIONAL COMMISSION

MAR 20 1978

RECEIVED

Board of Supervisors
County of Sonoma
Administration Center
Santa Rosa, CA 95401

Dear Sirs:

Our organization, formed last year to encourage residents of the north coast to participate in the preparation of the LCP, heartily endorses the County's Local Coastal Work Program. We trust that you are adopting the Work Program and that the regional and State Coastal Commissions will quickly certify it so that implementation can begin towards the 1980 deadline. A resolution to this effect was adopted in our General Meeting held March 5th at the Fort Ross School.

We have carefully reviewed each Work Task described in the Work Program pages 28-40 in relation to experience and interests of our members. We assume that when the County Planning Department implements the program it will organize several task groups, each dealing with one, or possibly two or three, of the Tasks A through M. On the attached sheet we give you the names and telephone numbers of our members having appropriate qualifications and interest in each task affecting the north Sonoma coast. We trust that the Planning Department will invite the people shown to participate in the various tasks.

We commend the Planning Department for encouraging public participation to date and for its responsiveness to our suggestions. We also welcome its intention to conduct a majority of working sessions in preparing the LCP here on the coast, rather than in Santa Rosa. Only thus is our full participation feasible.

cc: Calif. Coastal Zone
Conservation Commission
✓ North Central Coast
Regional Commission

Sincerely yours,

William J. Platt
William J. Platt
Sec'y, Steering Com. NSCC

Jenner	Duncans Mills	Timber Cove	Ocean Cove	Plantation	Stewarts Point	The Sea Ranch
Mrs. Barbara Black	William Palmer	John W. Stafford	Bill LaFeber	A.B. Crittenden	Mrs. Julia Richardson	William J. Platt
Mrs. Dorothy Felckert	Mrs. Lynne DeCarly	Mrs. Jeannette Rosson	Mrs. Gloria Frost	Miss Susan Millberry	Don R. Richardson	Mrs. Ruth Riordan

Consultant: George W. Wickstead

NORTH SONOMA COAST CITIZENS

P.O. Box 43

Stewarts Point, CA 95480

2

- | | |
|--|---|
| A. Shoreline Access | Mrs. Julia A. Richardson 785-2675
Mr. John W. Stafford 823-0897 |
| B. Recreation and Visitor
Serving Facilities | Mrs. Jeannette P. Rosson 847-3250
Mrs. Gloria Frost 847-3252
Mrs. Lynne DeCarly 865-2183 |
| C. Housing | Mr. William Palmer 865-2064
Mr. John W. Stafford 823-0897 |
| D. Water and Marine
Resources | Miss Susan Millberry 847-3365
Mr. William J. Platt 785-2375 |
| G. Environmentally Sensi-
tive Habitat Areas | Mrs. Barbara Black 847-3322
Mr. A. B. Crittenden 847-9306
Miss Susan Millberry 847-3365 |
| H. Agriculture | Mr. Don R. Richardson 785-2663
Miss Susan Millberry 847-3365 |
| I. Hazard Areas | Mrs. Barbara Black 847-3322
Mr. A. B. Crittenden 847-9306
Mrs. Lynne DeCarly 865-2183 |
| J. Forestry and Soils Re-
Sources | Mr. Don R. Richardson 785-2663
Mrs. Jeannette P. Rosson 847-3250
Mrs. Barbara Black 847-3322 |
| K. Locating and Planning
New Development | Mr. William Palmer 865-2064
Mr. William J. Platt 785-2375 |
| L. Coastal Visual Resources
and Special Communities | Mrs. Barbara Black 847-3322
Mrs. Dorothy Feickert 847-3340
Mrs. Ruth Riordan 785-2527 or 785-2411 |
| M. Public Works | Mr. Don R. Richardson 785-2663
Mr. William J. Platt 785-2375 |

NORTH CENTRAL COAST
REGIONAL COMMISSION

MAR 20 1978

RECEIVED

Jenner	Duncans Mills	Timber Cove	Ocean Cove	Plantation	Stewarts Point	The Sea Ranch
Mrs. Barbara Black	William Palmer	John W. Stafford	Bill LaFeber	A.B. Crittenden	Mrs. Julia Richardson	William J. Platt
Mrs. Dorothy Feickert	Mrs. Lynne DeCarly	Mrs. Jeannette Rosson	Mrs. Gloria Frost	Miss Susan Millberry	Don R. Richardson	Mrs. Ruth Riordan

Consultant: George W. Wickstead

From: [Brian Leubitz](#)
To: [Cecily Condon](#); [Tennis Wick](#); [Claudette Diaz](#)
Cc: [BOS](#)
Subject: Vacation Rental provisions in the LCP
Date: Monday, July 10, 2023 8:01:14 AM

EXTERNAL

To the Staff of Permit Sonoma and the Board of Supervisors -

While I am the Chair of the Sonoma Coast MAC, I wanted to present a few of my own opinions on the possibility of vacation rental related changes to the final draft of the Local Coastal Plan.

Specifically, I wanted to add my support to the changes in the vacation rental policy (C-LU-5-1P) as identified in the version below my signature.

While the coast MAC doesn't have the level of granularity of data that the River MAC was able to collect on vacation rental density, it is painfully obvious to everyone in my community, Bodega Bay, that the rising numbers of vacation rentals (both compliant with ToT restrictions and those flying under the radar) has changed our community.

We here in Bodega Bay are quite concerned about these changes in housing affordability, community character, traffic, and noise levels. (The July 4 holiday weekend's occasional bumper to bumper traffic being evidence of that.) While not all of those changes are attributable to our increasing density of STRs, our community has undeniably changed, particularly in the past five years due to the rapidly rising number of STRs. Bodega Bay, due to our relative proximity to Sacramento, SF and the rest of the Bay Area, is at increased risk of these issues relative to the other coastal communities. Our infrastructure is overwhelmed, and members of our community are being priced out in favor of STRs. STR Density has been increasing, especially since the pandemic, and housing stock is being transitioned towards visitors rather than residents.

I don't think anyone is interested in trying to force density levels on the order of the river's new density restrictions, or to apply restrictions that treat the individual communities of the coast identically. 5-15% density of STRs is not reasonable on the coast; that ship has sailed long ago. But from my conversations within the Bodega Bay community, there is a profound sense of our community slipping away. The LCP changes to allow the consideration of housing stock, traffic, etc, would allow our coastal communities to have a meaningful say in each individual community's future.

State level changes on housing development, while important in easing our County's overall housing crisis, can not reasonably be expected to solve the problems in the Coastal Zone anytime in the near future. Managed development, particularly of affordable housing, is critical to the long term success of our coastal communities, but coastal development alone can't be expected to address all of the recent deleterious changes. STRs are approaching a majority of our housing stock, so STR regulations can and should play a critical role in addressing our community's needs.

The LCP Policy below would allow for serious discussions of reasonable community

restrictions, with the possibility of real action. This is a positive step forward for maintaining our community's character.

Thank you for your consideration,

Brian Leubitz
Bodega Bay Representative and Chair, Sonoma Coast MAC
cell:(415)495-9015

Program C-LU-5-1P: Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where concentration of vacation rental [sic] would impact environmentally sensitive habitat areas, water quality, housing stock and affordability, community character, noise, traffic impacts or coastal access and develop land use policy to avoid these impacts.

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From: [stacey castle](#)
To: [district5](#); [BOS](#); [PRMD-LCP-Update](#)
Subject: Local Coastal Plan Update
Date: Monday, July 10, 2023 12:31:45 PM

EXTERNAL

Supervisor Hopkins, etal -

My name is Stacey Castle and I have owned a home in Bodega Harbour for 18 years, in the cul-de-sac directly across from the trailhead for the designated Short Tail Gulch beach access.

Coincidentally, I was also a member of the Bodega Harbour Homeowners Association Board of Directors from 2015-2019. During this time the board of directors was approached by the Wildlands Conservancy regarding their acquisition of the Estero Rancho property. They requested to make a presentation to the Bodega Harbour homeowners regarding the acquisition and their plans for it.

AT NO TIME during that presentation was access from any point of BHHA property broached.

To have any property usage changed anywhere in the BHHA development, it would have taken a full vote of all the Bodega Harbour Homeowners for approval.

No vote was ever taken.

No access was ever granted.

Obviously, living so close to this land acquisition, caused me to be extra vigilant in monitoring any proposals regarding the land. So I can wholeheartedly assure you that I speak for many of my concerned neighbors when I state that we oppose any access from BHHA land to the Estero Ranch property.

We bought homes in a peaceful, residential community, not a busy thoroughway to a land-locked Wildlands Conservancy parcel acquisition.

Sincerely-
Stacey Castle

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From: [Mary Kilkeny](#)
To: [PRMD-LCP-Update](#)
Subject: Against the proposal for Estero Ranch to cross private property in Bodega Harbour
Date: Monday, July 10, 2023 10:33:31 AM

EXTERNAL

Gentlepersons,

I strongly oppose the Estero Ranch assumption that they can use Bodega Harbour property to access their property. This would create a nightmare for us, with unmitigated traffic, trash, parking nightmares on narrow county streets and no outhouses to accommodate them.

Mary Kilkeny
294 Cutlass Court
Bodega Bay, CA 94923

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From: [Kimberly Miller](#)
To: [district5](#); [PRMD-LCP-Update](#); [BOS](#)
Subject: Bodega Harbour Community and Sonoma County LCP
Date: Monday, July 10, 2023 4:04:56 PM

EXTERNAL

To whom it may concern,

I have a home across the street from the Short Tail Gulch trailhead. I am writing to express my opposition to any access to Estero Ranch via BHHA trails. It's my understanding that the Short Tail Gulch Trail, along with other trails in our community, can only be used for access to the public beach. Our community is legally protected from such access to Estero Ranch. I support the land use for conservation of coastal lands but access should not be through Bodega Harbour property.

Thank you,
Kimberly Miller
20306 Osprey Drive
Bodega Bay, CA 94923

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From: [Tina Podolak](#)
To: [district5](#); [PRMD-LCP-Update](#); [BOS](#)
Subject: Sonoma County Local Coastal Plan
Date: Monday, July 10, 2023 9:45:38 PM

EXTERNAL

Attention: Lynda Hopkins
Supervisor
District 5

After reviewing the Sonoma County Local Coastal Plan Update (LCP) including the texts and maps, we are writing to strongly oppose allowing any expanded public access via existing beach paths on Bodega Harbour property to access the Estero Ranch or Estero Americano. This includes the Short Tail Gulch Trail, Pinnacle Gulch Trail, or other Bodega Bay Harbour common lands properties.

We live at 20120 Oyster Catcher Loop, directly across the street from the Short Tail Gulch Trail. Cars are parked regularly, on both sides of our street, by individuals accessing this trail to the beach. There are no restrooms, no trash disposal and not enough parking to absorb increased public use. Any proposed expanded use of the Short Tail Gulch Trail and other beach paths in Bodega Harbour to access a neighboring property should be prohibited.

Robert & Mary Christina Podolak
20120 Oyster Catcher Loop
Bodega Bay, CA 94923

tinapodolak@gmail.com
bobpodolak@gmail.com

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From: [Peter Spann](#)
To: [PRMD-LCP-Update](#)
Subject: Please don't abuse Bodega Harbour
Date: Tuesday, July 11, 2023 8:29:20 PM

EXTERNAL

Sonoma County Planning Department:

My wife and I live in Bodega Harbour and I am writing to object to the Local Coastal Plan proposal to use our Bodega Harbour Homeowners Association's private property for non-residents' use for accessing the Sonoma County-owned Estero Ranch or any other County-owned property.

A 1977 Stipulated Judgement created an agreement between Transcentury (the developer of our neighborhood), Sonoma County and the Coastal Commission that the Bodega Harbour Development would allow public access to beaches through our property, specifically via the Pinnacle Gulch and Short Tail Gulch Trails.

This Judgement is for public beach access only, not for access to any properties. We have always honored this Judgement and expect Sonoma County to always honor it as well. Any mention of use of Bodega Harbour Homeowners Association private property for public access to any Sonoma County-owned land should be deleted from the Local Coastal Plan. To not do so would be a breach of this Judgement.

Sincerely,

Peter & Betsy Spann
319 Sanderling Court
Bodega Bay, CA

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From: [Ed Vail](#)
To: [PRMD-LCP-Update](#)
Subject: Access to Estero Ranch from Bodega Harbour LCP Update
Date: Monday, July 10, 2023 2:31:14 PM

EXTERNAL

As a 40+ year resident of Bodega Harbour I strongly oppose accessing the Estero Ranch property through BHHA land. There is currently insufficient parking for access to Pinnacle Gulch and Short Tail Gulch trails during busy weekends. Mockingbird Rd and Osprey Dr are not wide enough to accommodate parking on both sides of the road and allow emergency vehicles access or two way traffic. There is no past agreement or legal understanding to allow access. It would be impractical and unsafe.

Ed Vail
104 Poppy Ct.
Bodega Bay, CA 94923

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From: [Margaret Grahame](#)
To: [Margaret Grahame](#)
Cc: [BOS](#); [district5](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](#); [Scott Farmer](#); [Martha Campbell Coast](#); [Brian Leubitz](#); [beth.coastmac@gmail.com](#)
Subject: RE: URGENT: Last Minute Changes to Local Coastal Plan - Policies Restricting Development and Coastal Septic
Date: Tuesday, July 11, 2023 1:54:41 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi all,

In her latest bulletin, Supervisor Hopkins has openly given her support for the three new policies below, essentially eliminating any development west of Highway 1 that is not residential, Tribal or public facility. She is also supporting the prohibition of any new septic system in the entire Sonoma Coast.

These proposals will go to the Board of Supervisors for a vote on Monday July 17. Historically speaking, the supervisors are likely to support the supervisor's decision in which the relevant project resides. In the case of the Local Coastal Plan, this resides completely in District 5, that governed by Supervisor Hopkins.

I urge you to think about the potential future impacts this may have on your business, your organization, or your home.

If you oppose the introduction of these policies, please respond to Supervisor Hopkins offer to talk, as well as attend the July 17 BOS hearing on the LCP, and voice your opinion during public comment (maximum 2 minutes).

I shall forward Supervisor Hopkins bulletin to you following this.

Thank you for considering this,

Margaret

Margaret Grahame
Cell: 831-667-2757

From: Margaret Grahame
Sent: Wednesday, July 5, 2023 6:52 PM
To: Margaret Grahame <margaret.grahame@timbercoveresort.com>
Cc: BOS@sonoma-county.org; Fifth District Supervisor Lynda Hopkins <district5@sonoma-county.org>; Scott Orr <scott.orr@sonoma-county.org>; Cecily.Condon@sonoma-county.org; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Stephanie Rexing (Stephanie.Rexing@coastal.ca.gov) <Stephanie.Rexing@coastal.ca.gov>; Scott Farmer <farmer.cmac@mcn.org>; Martha Campbell Coast <mcampbell.coastmac@mcn.org>; Brian Leubitz <brian.leubitz@gmail.com>; beth.coastmac@gmail.com
Subject: URGENT: Last Minute Changes to Local Coastal Plan - Policies Restricting Development and Coastal Septic

Hello all,

I am reaching out to you as someone who is involved in business or development on the north Sonoma Coast. At a special Coast Municipal Advisory Committee (MAC) meeting on the proposed Local Coastal Plan (LCP) on June 22, 2023, our district supervisor, Supervisor Hopkins, signaled her desire to introduce three new policies in the Visitor Commercial Serving section of the LCP (attachment LCP Parcel Specific Redline – R3).

These policies are:

- **Blufftop/Sea Level Rise Policy:** *North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses.*
- **Desalination Policy:** *In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants of any scale is prohibited.*
- **Ocean Outfall Policy:** *To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.*

The potential impact of these new policies is huge. The **Blufftop/Sea Level Rise policy** prohibits existing private business operating north of Jenner and west of Highway 1 from changing, improving, upgrading, or creating anything that is not for public access, residential or traditional Tribal use. Any private property owner, regardless of what County and Coastal Commission regulations allow, will not be able to develop anything new that serves visitors to the coast, other than public access. Note that development is not limited to bricks and mortar, but also includes the use of the land, such as provision of services. This proposed policy could prohibit development such as affordable housing, EV charging stations, retail, information centers (cultural resources or otherwise), private emergency services, campgrounds, RV's, AirBnB, accommodation units of any sort, experiences such as kayaking, guided hikes, fishing, diving or infrastructure upgrades to utilities, broadband or restrooms.

Protection of Blufftops and Sea Level Rise? Regulations requiring comprehensive geotechnical analysis and subsequent setbacks of a specific parcel/bluff prior to any development, including impact of Sea Level Rise, **already exist**.

The **Ocean Outfall Policy** appears to prohibit the installation of any new septic system (my interpretation of what a wastewater outfall installation is) anywhere on the Sonoma Coast (is this the Coastal Zone?). No new toilets for anywhere on the Sonoma Coast – in homes, regional parks, campgrounds, general stores, medical support, aged care facilities, hotels. None. No toilets? No building of anything that people use.

Protection of Ocean Outfall? Development regulations requiring state approved septic systems, including management of ocean runoff, **already exist**.

The Coastal Act (attached) clearly states in Section 30001 (d):

That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

It appears that these proposed policies fly in the face of the Coastal Act. Supervisor Hopkins appeared to create these new policies (along with edits relating to specific businesses in the LCP), with two others – Richard Charter and Richard Retecki. They were written without any input or

collaboration with relevant businesses or organizations that might be impacted, without Permit Sonoma, who has spent the last 8 years updating the LCP, without the Coast MAC or even the Coastal Commission. In providing these LCP Update suggestions at this late stage, (a little over 1 month before the Board of Supervisors is slated to give final approval on the entire LCP on July 17, 2023), Supervisor Hopkins is advocating by-passing the entire LCP update process and inserting blanket policies at the last minute that prohibit developments **essential** to the economic and social well-being of the people of this state and especially to working persons within the coastal zone.

I urge you to let Supervisor Hopkins know that you do not support the proposed policies, nor the manner under which she has signaled them for inclusion in the LCP Update. Please take the time to read her proposed edits, as well as the Policy Options for visitor serving development prepared by Permit Sonoma, attached, (which in fact were supported unanimously at the last Board of Supervisors hearing on this issue), and consider the possible impact on your future.

Please contact Supervisor Hopkins and let her know your views on this – via email, by requesting a meeting with her to discuss, or providing public comment (written, verbal or in person) at the upcoming Board of Supervisors hearing on July 17, 2023. Relevant contact information is below.

We are all stewards of our coast. We are all doing our best to support the local economy through local jobs and services. We are supporting the greater Sonoma County through property taxes and TOT. We are doing our best to provide visitors to our wonderful coast with an extraordinary experience, just as we strive to do for those of us who live here. We are invested in taking care of the natural environment because without it, we could not do what we do, nor would we want to be here. A stringent and comprehensive set of regulations exist to protect the coast. Please do not allow three people to override this for our future.

Board of Supervisors Email: BOS@sonoma-county.org

Supervisor Hopkins Email: district5@sonoma-county.org

LCP Update (including BOS Hearing July 17, 2023):

<https://permitsonoma.org/longrangeplans/proposedlong-rangeplans/proposedlocalcoastalplanupdate>

Of course, feel free to contact me if you would like to discuss this further or forward this email to anyone you feel might be interested.

Warmly,

Margaret Grahame

Project Manager

[Timber Cove Resort](#) | [Coast Kitchen](#)

21780 Highway 1, Jenner, CA 95450

Hotel: 707-847-3231

Cell: 831-667-2757



Please share the love for Timber Cove Resort by nominating us for the [Travel and Leisure World's Best Awards 2021](#)

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From: [Margaret Grahame](#)
To: [Margaret Grahame](#)
Cc: [BOS](#); [district5](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](#); [Scott Farmer](#); [Martha Campbell Coast](#); [Brian Leubitz](#); [beth.coastmac@gmail.com](#)
Subject: FW: Sonoma Coast Protections plus LCP
Date: Tuesday, July 11, 2023 1:56:13 PM

FYI.

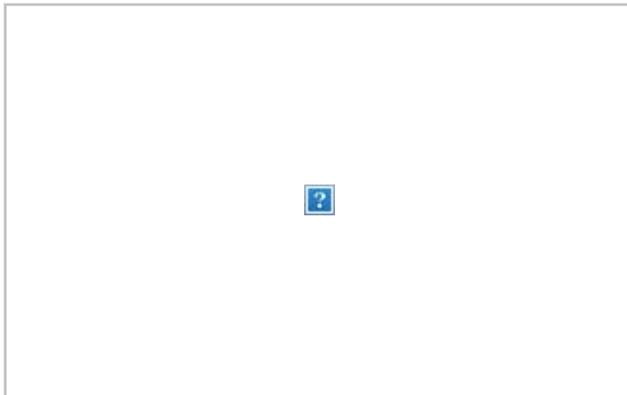
Margaret

Margaret Grahame
Cell: 831-667-2757

From: Supervisor Lynda Hopkins <district5@sonoma-county.org>
Sent: Tuesday, July 11, 2023 12:40 PM
To: Margaret Grahame <margaret.grahame@timbercoveresort.com>
Subject: Sonoma Coast Protections plus LCP

For Those who Love the Coast the Most: A Sonoma Coast Newsletter

{Español abajo}



There's a lot happening on the Sonoma Coast. In the Fifth District office we've been working on sea otter reintroduction, a NOAA Climate Resilience grant application, the acquisition of Chanslor Ranch, and support for our struggling fishermen. Hopefully we can share more

information about all of that later, but in the meantime, here are a few time-sensitive policy issues.

SAVE THE COAST (AGAIN!): Call To Action Over Coastal Development

Over the weekend, I learned of a massive energy development project being proposed on the North Sonoma Coast. The applicant — a developer from Alabama — applied to the Federal Energy Regulatory Commission for a permit for a large-scale pump hydropower facility 1.5 miles northwest of Fort Ross. We do not know the specific parcel or location.

(Earlier today, I left a message on the voicemail of the developer's publicly listed phone number to inquire. I'll let you know what I learn!) What we do know, according to the Federal Register, is this: the project would create a 24-acre saltwater reservoir perched in our sensitive North Coast mountain range. This reservoir would store 5,600 acre-feet of saltwater. The impacts of a leak or failure would be catastrophic to our ecosystems and groundwater, flooding our forests and aquifers with salt.

In addition to a manmade perched saltwater lake, the project would also entail a massive underground powerhouse (100 feet by 250 feet by 30 feet, built 100 feet below ground) that would be served by a gaping tunnel (100 feet by 30 feet). A 12,000-foot-long, 10-foot-diameter steel lined conduit would connect the reservoir to the powerhouse. A vertical intake structure and breakwater would be built into the ocean.

Needless to say this project is inconsistent with our Local Coastal Plan and the environmental impacts of the project would be staggering. We have already reached out to Congressman Huffman, who shares our concerns. We are working on a formal opposition response to FERC. If you are concerned about the project, per the Federal Register, the FERC Contact is Shannon Archuleta: email shannon.archuleta@ferc.gov; phone (503) 552-2739.

The Commission's Office of Public Participation (OPP) supports public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502-6595 or OPP@ferc.gov.

Please consider lending your voice to stop this proposal. The Sonoma Coast hasn't seen an energy development proposal this big since the citizens of Sonoma County rose up to defeat the proposed nuclear power plant at Bodega Head. The good news is — this isn't our first rodeo, and we stand ready to Save Our Coast... Again!

Están sucediendo muchas cosas en la costa de Sonoma. En la oficina del Quinto Distrito, hemos estado trabajando en la reintroducción de nutrias marinas, una solicitud de subvención de Resiliencia Climática de la NOAA, la adquisición de Chanslor Ranch y el apoyo a nuestros pescadores en apuros. Ojalá podamos compartir más

información sobre todo eso más adelante, pero mientras tanto, aquí hay algunos problemas de política sensibles al tiempo.

SALVE LA COSTA (¡OTRA VEZ!): Llamado a la acción sobre el desarrollo costero

Durante el fin de semana, me enteré de la propuesta de un proyecto de desarrollo energético masivo en la costa norte de Sonoma. El solicitante, un desarrollador de Alabama, solicitó a la Comisión Federal Reguladora de Energía un permiso para una instalación hidroeléctrica de bombeo a gran escala a 1,5 millas al noroeste de Fort Ross. No sabemos el paquete específico o la ubicación. (Hoy temprano, dejé un mensaje en el correo de voz del número de teléfono público del desarrollador para consultar. Te dejaré

¡Sé lo que aprendo!) Lo que sí sabemos, según el Registro Federal, es esto: el proyecto crearía un depósito de agua salada de 24 acres encaramado en nuestra sensible cordillera de la costa norte. Este depósito sería almacenar 5,600 acres-pie de agua salada. Los impactos de una fuga o falla serían catastróficos para nuestro ecosistemas y aguas subterráneas, inundando nuestros bosques y acuíferos con sal.

Además de un lago de agua salada construido por el hombre, el proyecto también implicaría una enorme central eléctrica subterránea (100 pies por 250 pies por 30 pies, construida 100 pies bajo tierra) que sería servida por un túnel abierto (100 pies por 30 pies). Un 12.000 pies de largo, 10 pies de diámetro un conducto revestido de acero conectaría el depósito a la central eléctrica. Una estructura de entrada vertical y se construiría un rompeolas en el océano.

No hace falta decir que este proyecto es inconsistente con nuestro Plan Costero Local y el medio ambiente los impactos del proyecto serían asombrosos. Ya nos hemos comunicado con el congresista Huffman, quien comparte nuestras preocupaciones. Estamos trabajando en una respuesta formal de oposición a la FERC.

Si le preocupa el proyecto, según el Registro Federal, el contacto de la FERC es Shannon Archuleta: correo electrónico shannon.archuleta@ferc.gov; teléfono (503) 552-2739 . La Oficina de Participación Pública (OPP) de la Comisión apoya la participación pública y participación en los procedimientos de la Comisión. OPP puede ayudar a miembros del público, incluyendo terratenientes, comunidades de justicia ambiental, miembros tribales y otros, acceden públicamente información disponible y navegar por los procesos de la Comisión. Para consultas y asistencia del público con presentaciones tales como intervenciones, comentarios o solicitudes de nueva audiencia, se alienta al público para comunicarse con OPP al (202) 502-6595 o OPP@ferc.gov.

Considere prestar su voz para detener esta propuesta. La costa de Sonoma no ha visto un propuesta de desarrollo energético tan grande desde que los ciudadanos del condado de Sonoma se levantaron para derrotar a los planta de energía nuclear propuesta en Bodega Head. La buena noticia es que este no es nuestro primer rodeo, y estamos listos para salvar nuestra costa... ¡Otra vez!

Local Coastal Plan

Now here's a subject that has been receiving a lot of buzz lately: the Local Coastal Plan, also known as the LCP.

The LCP is a once-in-a-generation opportunity to preserve our stunning coastline for decades to come. As the late, great Peter Douglas famously said, "The coast is never saved, it's always being saved."

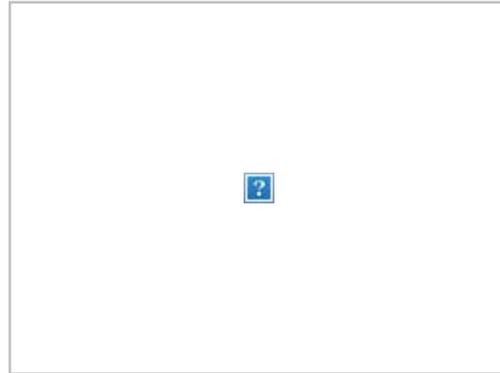
I am committed to working with environmentalists, ranchers, beachgoers, residents, scientists and Tribes to save our Sonoma Coast once more by passing the most protective Local Coastal Plan in the history of the coast. The Coast belongs to all of us — but also, importantly, to the

future. To people not yet born. I see the Local Coastal Plan as our generational opportunity to protect the coast for the humans and creatures and flora who will enjoy it long after those of us currently working on the plan have turned to dust.

The Board of Supervisors will meet to review and discuss the LCP at a special meeting on July 17. Between now and then, I look forward to continuing to meet with and hear from all

stakeholders on this critical issue. My mind is always open to feedback, and always open to being changed. At this point, I plan to support the following policies at the July 17th hearing. (Please note: these policies are in addition to policies, such as sea otter reintroduction, that were already supported by a majority of the Board at our last hearing.)

1. Strengthened Parcel Specific Language. In collaboration with Richard Charter and Richard Retecki, we drafted language that strengthened existing policy, further inhibiting development in the coastal zone and preserving the historic character of our communities. (This language is included at the bottom of this email.)
2. Grazing in the Coastal Zone, including streamlined processes for livestock fencing. I am currently in communication with coastal ranchers as to whether staff's proposed policies meet their needs to maintain livestock fencing for agricultural operations. If it does not, we need to amend the policies until they support coastal grazing so that we do not force local ranchers out of business. Rotational grazing has beneficial impacts in terms of invasive species mitigation, wildfire risk reduction, and



even enhanced grassland carbon sequestration.

3. Marine Protected Areas. I requested and support Objective C-OSRC-6.3: "Support protection, restoration, and appropriate identification of Marine Protected Areas."

4. Public access. I support the modified public access maps proposed by Permit Sonoma staff, which clarify the intent of future public access without putting a dot on private property. This will preserve our vision for future public access points in the way that is not confusing to members of the public and does not encourage trespassing.

5. Consideration of housing affordability in future vacation rental policy development. I support adding a few words to the existing vacation rental program, which allows us in the future to work with communities to create land use policy regarding vacation rentals. At minimum I support adding "housing stock and affordability" to the list of items to consider. I will also consider the following edit in bold: Program C-LU-5-1P: Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where concentration of vacation rental [sic] would impact environmentally sensitive habitat areas, water quality, housing stock and affordability, community character, noise, traffic impacts or coastal access and develop land use policy to avoid these impacts.

6. Vegetation management streamlining to allow homeowners to implement defensible space around their homes. Currently, in order to comply with state law regarding defensible space, homeowners must apply for a Coastal Development Permit. We should allow homeowners to protect their homes from wildfire and abide by state law without pulling a costly permit.

7. Preventing future out-of-character development. In conversation with environmental advocates, a number of additional policy proposals have been broached. These include: a prohibition on desal plants; a prohibition on blufftop development West of 1 and North of Jenner; a prohibition on ocean outfall; a prohibition on large scale energy

developments. While these could not be voted on in final form at the July 17 meeting, I look forward to discussing these issues and the best way to tackle them into the future to keep saving our coast.

Here is my proposed redlined version of the parcel specific zoning language, as well as language I hope the Board of Supervisors can discuss regarding outfall, blufftop development, and desalination.

Goal C-LU-5: Encourage public access and visitor-serving uses in the Coastal Zone and establish adequate commercial services for visitors on the Sonoma County coast where such development can be accommodated with minimal impacts on views and natural resources.

Objective C-LU-5.1: Identify and develop new or expand existing commercial services for visitors in urban service areas and rural communities.

Policy C-LU-5a: Encourage the development and expansion of visitor- and local-serving commercial uses within urban service areas and rural community boundaries where water supply and wastewater disposal requirements can be met. (EXISTING LCP REVISED)

Policy C-LU-5b: Limit new visitor-serving commercial development to areas within designated urban service areas and rural community boundaries except for the lowest intensity development (i.e., guest ranches, and bed and breakfast inns, vacation rentals, and agricultural farmstays). (EXISTING LCP REVISED)

Policy C-LU-5c: Provide public restrooms and drinking water facilities where needed and appropriate as part of visitor- and local-serving commercial development. (EXISTING LCP REVISED)

Policy C-LU-5d: Allow limited expansion of existing visitor- and local-serving commercial uses outside of urban service areas and rural community boundaries where water supply and wastewater disposal requirements can be met and where expansion is found to have no impact on coastal environmental resources. (CCC REVISED - EXISTING LCP REVISED)

Policy C-LU-5e: Encourage the provision of modest scale overnight accommodations that which have minimal impacts on the coastal environment,

including campgrounds, bed and breakfast accommodations in existing homes, guest ranches, inns, and motels. Guest ranches in agricultural areas shall be compatible with continued ranch operations and shall be limited to the allowable residential density.

~~Policy C-LU-5f: Allow expansion of overnight accommodations and other visitor-serving commercial uses; and local-serving commercial uses on Annapolis Road. Ensure that expansion of overnight accommodations, visitor-serving commercial uses, and~~

local-serving commercial uses are consistent with the historic nature and character of this rural, agricultural, forest community.

~~Policy C-LU-5g: Allow~~ **Ensure any** development of limited visitor- and local-serving commercial uses at Stewarts Point ~~designed to complements~~ **the** historic character of the community.

C-LU-5h NEW (combined 3 into 1 to clarify intent): 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.

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

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

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

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

Policy C-LU-5n: ~~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~~ shall preserve the area's scenic character.

Policy C-LU-5o: ~~Allow~~ A 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.

Policy C-LU-5p: ~~Allow~~ **In recognition of the potential of sea level rise to eliminate existing campground space over time**, provision of overnight accommodations of 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.**

Policy C-LU-5q: ~~Allow~~ **Any** expansion of public access to the Bridgehaven Resort, **by 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 ~~of any Coastal Development Permit for expansion of uses at the resort.~~ **No exemption from formal state policies governing shoreline armoring in response to sea level rise or other natural forces is granted at this location.**

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

Policy C-LU-5s: 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: ~~Allow modest expansion of commercial uses in Valley Ford if water supply and wastewater treatment and disposal requirements can be met.~~ **Modest expansion of commercial uses in Valley Ford is contingent on the availability of adequate water supply and wastewater treatment, which are limited in the area. Any commercial expansion must be consistent with the community's historic character.**

Alt language: No expansion of commercial uses in Valley Ford unless water supply and wastewater treatment and disposal requirements can be met. Expansion, if any, shall be designed to complement the historic character of the community.

Blufftop/Sea Level Rise Policy — NEW

Policy : North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses.

Desalination Policy — NEW

Policy : In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants of any scale is prohibited.

Ocean Outfall Policy — NEW

Policy : To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.

Ahora aquí hay un tema que ha estado recibiendo mucha atención últimamente: el Plan Local Costero, también conocido como el LCP.

El LCP es una oportunidad única en una generación para preservar nuestra impresionante costa en las próximas décadas. Como dijo el difunto gran Peter Douglas: "La costa nunca se salva, siempre se salva".

Estoy comprometido a trabajar con ambientalistas, ganaderos, bañistas, residentes, científicos y tribus para salvar nuestra costa de Sonoma una vez más al aprobar el Plan costero local más

protector en la historia de la costa. La Costa nos pertenece a todos, pero también, lo que es más importante, a la futuro. A las personas que aún no han nacido. Veo el Plan Costero Local como nuestra oportunidad generacional para proteger la costa para los humanos, las criaturas y la flora que la disfrutarán mucho después de que los que estamos trabajando actualmente en el plan nos hayamos convertido en polvo.

La Junta de Supervisores se reunirá para revisar y discutir el LCP en una reunión especial el 17 de julio. De vez en cuando, espero seguir reuniéndome y escuchar a todos partes interesadas sobre este tema crítico. Mi mente siempre está abierta a la retroalimentación, y siempre abierta a ser cambiada. En este punto, planeo apoyar las siguientes políticas en la audiencia del 17 de julio. (Tenga en cuenta: estas políticas se suman a las políticas, como la reintroducción de nutrias marinas, que ya fueron apoyadas por la mayoría de la Junta en nuestra última audiencia).

1. Lenguaje específico de paquete reforzado. En colaboración con Richard Charter y

Richard Retecki, redactamos un lenguaje que fortaleció la política existente, inhibiendo aún más desarrollo en la zona costera y preservando el carácter histórico de nuestra comunidades (Este idioma se incluye al final de este correo electrónico).

2. Pastoreo en la Zona Costera, incluyendo procesos simplificados para la ganadería

Esgrima. Actualmente estoy en comunicación con ganaderos costeros en cuanto a si el personal las políticas propuestas satisfacen sus necesidades para mantener el cercado del ganado para fines agrícolas operaciones. Si no es así, debemos enmendar las políticas hasta que apoyen la pastoreo para que no obliguemos a los ganaderos locales a cerrar el negocio. El pastoreo rotativo ha impactos beneficiosos en términos de mitigación de especies invasoras, reducción del riesgo de incendios forestales y incluso mejoró el secuestro de carbono de los pastizales.

Pastoreo en la Zona Costera, incluyendo procesos simplificados para la ganadería

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3. Áreas Marinas Protegidas. Solicité y apoyo el Objetivo C-OSRC-6.3: "Apoyar

protección, restauración e identificación adecuada de las Áreas Marinas Protegidas".

4. Acceso público. Apoyo los mapas de acceso público modificados propuestos por Permit Sonoma personal, que aclaran la intención del futuro acceso público sin poner un punto en privado propiedad. Esto preservará nuestra visión para futuros puntos de acceso público en la forma en que se no confundir a los miembros del público y no fomentar el traspaso.

5. Consideración de la asequibilidad de la vivienda en la futura política de alquiler vacacional

desarrollo. Apoyo agregar algunas palabras al programa de alquiler vacacional existente,

lo que nos permite en el futuro trabajar con las comunidades para crear una política de uso de la tierra en cuanto a alquileres vacacionales. Como mínimo, apoyo agregar "reserva de viviendas y asequibilidad" a la lista de elementos a considerar. También consideraré la siguiente edición en negrita: Programa

C-LU-5-1P: Establecer estándares de desempeño para el uso de residencias existentes para

alquileres de vacaciones y alquileres alojados. Al desarrollar estándares, considere los requisitos para administradores de propiedades designados, seguridad, estacionamiento, ruido y número de invitados permitidos Ocupación diurna y nocturna. Además de los estándares de desempeño, identifique áreas donde la concentración de alquiler vacacional [sic] impactaría ambientalmente sensible áreas de hábitat, calidad del agua, stock de viviendas y asequibilidad, carácter comunitario, ruido, impactos de tráfico o acceso costero y desarrollar una política de uso de la tierra para evitar estos impactos

6. Racionalización de la gestión de la vegetación para permitir a los propietarios implementar

espacio defendible alrededor de sus casas. Actualmente, para cumplir con la ley estatal

con respecto al espacio defendible, los propietarios deben solicitar un Permiso de Desarrollo Costero. Debemos permitir que los propietarios de viviendas protejan sus hogares de los incendios forestales y cumplan con la ley estatal sin sacar un permiso costoso.

7. Prevenir futuros desarrollos fuera de carácter. En conversación con ambientalistas

defensores, se han abordado una serie de propuestas de políticas adicionales. Éstas incluyen:

una prohibición de las plantas desaladoras; una prohibición en el desarrollo de blufftop West of 1 y North de Jenner; una prohibición de desembocadura en el océano; una prohibición de energía a gran escala desarrollos Si bien estos no pudieron ser votados en su forma final en la reunión del 17 de julio, esperamos discutir estos temas y la mejor manera de abordarlos en el futuro para

sigue salvando nuestra costa.

Esta es mi propuesta de versión resaltada en rojo del lenguaje de zonificación específico de la parcela, así como también lenguaje Espero que la Junta de Supervisores pueda discutir sobre el emisario, el desarrollo de acantilados y la desalinización.

Meta C-LU-5: Fomentar el acceso público y los usos para visitantes en la zona costera y establecer servicios comerciales adecuados para los visitantes en la costa del condado de Sonoma, donde dicho desarrollo se puede acomodar con impactos mínimos en las vistas y los recursos naturales.

Objetivo C-LU-5.1: Identificar y desarrollar servicios comerciales nuevos o expandir los existentes para visitantes en áreas de servicio urbano y comunidades rurales.

Política C-LU-5a: Fomentar el desarrollo y la expansión de usos comerciales para visitantes y locales dentro de las áreas de servicio urbano y los límites de la comunidad rural donde se pueden cumplir los requisitos de suministro de agua y eliminación de aguas residuales. (LCP EXISTENTE REVISADO)

Política C-LU-5b: limitar los nuevos desarrollos comerciales para visitantes a las áreas dentro de las áreas de servicio urbano designadas y los límites de la comunidad rural, excepto para el desarrollo de menor intensidad (es decir, ranchos para huéspedes y posadas con alojamiento y desayuno, alquileres de vacaciones y granjas agrícolas) . (LCP EXISTENTE REVISADO)

Política C-LU-5c: Proporcionar baños públicos e instalaciones de agua potable donde sea necesario y apropiado como parte del desarrollo comercial para visitantes y locales. (LCP EXISTENTE REVISADO)

Política C-LU-5d: Permitir la expansión limitada de los usos comerciales existentes para visitantes y locales fuera de las áreas de servicio urbano y los límites de la comunidad rural donde se pueden cumplir los requisitos de suministro de agua y eliminación de aguas residuales y donde se determina que la expansión no tiene impacto en la costa. recursos ambientales (CCC REVISADO - LCP EXISTENTE REVISADO)

Política C-LU-5e: Fomentar la provisión de alojamientos nocturnos de escala modesta que tengan un impacto mínimo en el medio ambiente costero, incluidos campamentos, alojamiento con desayuno en casas existentes, ranchos para huéspedes, posadas y moteles. Los ranchos de huéspedes en áreas agrícolas serán compatibles con las operaciones continuas del rancho y se limitarán a la densidad residencial permitida.

Política C-LU-5f: Permitir la expansión de alojamientos para pernoctar y otros usos comerciales para visitantes; y usos comerciales de servicio local en Annapolis Road. Garantizar que la expansión de los alojamientos para pasar la noche, los usos comerciales para atender a los visitantes y los usos comerciales de servicio local son consistentes con la naturaleza histórica y el carácter de esta comunidad rural, agrícola y forestal.

Política C-LU-5g: Permitir Garantizar cualquier desarrollo de usos comerciales limitados para visitantes y locales en Stewarts Point diseñado para complementar el carácter histórico de la comunidad.

C-LU-5h NUEVO (combinado 3 en 1 para aclarar la intención): El área de servicio para visitantes de Ocean Cove Resort y Ocean Cove Store se enfrenta al desafío de la combinación de tráfico vehicular de alta velocidad y la necesidad de que los visitantes peatones crucen la carretera estatal 1. Cualquier propuesta de desarrollo debe incluir disposiciones para la seguridad de los peatones en la carretera estatal 1, así como medidas de control de la erosión y restauración de los acantilados degradados en la ensenada, teniendo en cuenta el aumento proyectado del nivel del mar. Si es necesario para mejorar el acceso costero, se puede proporcionar estacionamiento adicional. El desarrollo al oeste de la carretera estatal 1 en el resort Ocean Cove se limita a un

área de uso diurno, un área para acampar y la reutilización adaptativa del granero histórico con el intención de concentrar los servicios y actividades para los visitantes en el mismo lado de la carretera. La expansión limitada de los usos comerciales existentes al este de la carretera estatal 1 podría incluir alojamiento para pasar la noche e instalaciones ecuestres.

Política C-LU-5h: Permitir la expansión limitada de los usos comerciales existentes al este de State Highway 1 asociados con Ocean Cove Store, incluidos alojamientos para pasar la noche y un establo de caballos público.

Política C-LU-5i: Limitar el desarrollo al oeste de State Highway 1 en el Ocean Cove Resort a un área de uso diurno y un campamento. Cualquier propuesta de desarrollo debe incluir disposiciones para la seguridad de los peatones en la carretera estatal 1, así como medidas de control de erosión y restauración de los acantilados degradados en la ensenada que toman en cuenta el aumento proyectado del nivel del mar. Si es necesario para mejorar el acceso costero, se puede proporcionar estacionamiento adicional de acuerdo con la Política LU-5h.

Política C-LU-5j: Fomentar la reutilización adaptativa del granero histórico al oeste de la Carretera Estatal 1 en el Ocean Cove Resort.

Política C-LU-5k: Permitir la expansión limitada de las instalaciones de la posada existente y el desarrollo de un establo de caballos público en Stillwater Cove Ranch.

Política C-LU-5l: Limitar la expansión en Timber Cove Inn para mejorar las instalaciones de estacionamiento y acceso público.

Política C-LU-5m: Fomentar la provisión de mallas y otras mejoras de diseño en el embarcadero de Timber Cove.

Política C-LU-5n: Permitir nuevos usos comerciales limitados o la expansión de visitantes existentes y usos comerciales locales en las cercanías de Fort Ross Store _ de diseño para preservar el carácter escénico del área.

Política C-LU-5o: Permitir Solo se puede permitir un relleno modesto del desarrollo comercial para visitantes y locales en Jenner si se pueden cumplir los requisitos de suministro de agua y tratamiento y eliminación de aguas residuales.

Política C-LU-5p: Permitir En reconocimiento del potencial del aumento del nivel del mar para eliminar el espacio de campamento existente con el tiempo, la provisión de alojamiento para pasar la noche de escala y costo modestos y la expansión de otros usos de servicios comerciales para visitantes y locales en Duncans Mills se alienta si se pueden cumplir los requisitos de suministro de agua y tratamiento y eliminación de aguas residuales. El desarrollo debe ser

consistente con la naturaleza histórica de la comunidad. En este lugar no se otorga ninguna exención de las políticas estatales que rigen el blindaje de la costa en respuesta al aumento del nivel del mar u otras fuerzas naturales.

Política C-LU-5q: Permitir Cualquier expansión del acceso público al Bridgehaven Resort, al incluir el alquiler de botes y las instalaciones de lanzamiento y uso diurno, estaría sujeta a revisión de diseño. y exigir el acceso público como condición para la aprobación de cualquier Permiso de Desarrollo Costero para la expansión de usos en el complejo. En este lugar no se otorga ninguna exención de las políticas estatales formales que rigen el blindaje de la costa en respuesta al aumento del nivel del mar u otras fuerzas naturales.

Política C-LU-5r: Permitir usos comerciales nuevos y la expansión de los existentes en Bodega Bay. La expansión de los usos comerciales existentes y el nuevo desarrollo comercial en Bodega Bay deben ser consistentes con el carácter histórico de la comunidad. Como centro comercial de la costa sur de Sonoma con un historial de pesca comercial y procesamiento, se debe priorizar las instalaciones relacionadas con la pesca.

Política C-LU-5s: Permitir usos nuevos y la expansión de usos existentes para atender a los visitantes en Chanslor Ranch en consonancia con el uso agrícola continuo si se pueden cumplir los requisitos de suministro de agua y tratamiento y eliminación de aguas residuales.

Política C-LU-5t: Permitir una expansión modesta de los usos comerciales en Valley Ford si se pueden cumplir los requisitos de suministro de agua y tratamiento y eliminación de aguas residuales. La expansión modesta de usos comerciales en Valley Ford depende de la disponibilidad de suministro de agua adecuado y tratamiento de aguas residuales, que son limitados en el área. Cualquier expansión comercial debe ser consistente con el carácter histórico de la comunidad. Idioma alternativo: No se expandirán los usos comerciales en Valley Ford a menos que se puedan cumplir los requisitos de suministro de agua y tratamiento y eliminación de aguas residuales. La expansión, si la hubiere, se diseñará para complementar el carácter histórico de la comunidad.

Política de aumento del nivel del mar/Bulfftop — NUEVO

Política: al norte de Jenner, limitar el nuevo desarrollo en la cima de un acantilado al oeste de la carretera estatal 1 a instalaciones públicas, acceso público, usos residenciales y usos tribales tradicionales.

Política de desalinización — NUEVO

Política: Para evitar las descargas de salmuera tóxica, la inducción del crecimiento excesivo y las instalaciones de aguas residuales sobrecargadas, se prohíbe la construcción y operación de plantas de desalinización de cualquier escala.

Política de emisario oceánico — NUEVO

Política: Para apoyar la dependencia económica regional de un rico ecosistema oceánico y la preservación de un complejo régimen de corrientes oceánicas estacionales cerca de la costa, se prohíbe cualquier nueva instalación de desagües de aguas residuales en cualquier parte de la costa de Sonoma.

Fifth District Supervisor Lynda Hopkins | County of Sonoma | 707-565-2241

Lynda.Hopkins@sonoma-county.org

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From: [Margaret Grahame](#)
To: [Scott Orr](#)
Cc: [Tennis Wick](#); [Cecily Condon](#); [Claudette Diaz](#)
Subject: RE: LCP - Visitor Serving Policies - Proposed Updates by Supervisor Hopkins
Date: Tuesday, July 11, 2023 3:41:05 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image009.png](#)
[image010.png](#)

EXTERNAL

Good afternoon Scott,

I have just received the following communications:

- Supervisor Hopkins Bulletin announcing her desire to support the adoption of the edits and new policies drafted by Richard Charter and Richard Retecki (discussed in our earlier email);
- Permit Sonoma's complete set of documents in preparation for the July 17, 2023 BOS Hearing.

Can you tell me if the Charter and Retecki document will be formally presented to the BOS on July 17 as part of the document package above?

Could you also confirm that Permit Sonoma shall continue your recommendation for the removal of all site specific policies in the visitor serving use section of the LCP Update?

Many thanks,

Margaret

Margaret Grahame
Cell: 831-667-2757

From: Scott Orr <Scott.Orr@sonoma-county.org>
Sent: Friday, June 30, 2023 9:20 AM
To: Margaret Grahame <margaret.grahame@timbercoveresort.com>
Cc: Tennis Wick <Tennis.Wick@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>
Subject: RE: LCP - Visitor Serving Policies - Proposed Updates by Supervisor Hopkins

Hi Margaret,

Attached is my version of the document and I believe you are correct about the Richards. While additional policy options have been added on the site-specific topic, staff has not changed its original recommendation of removing them all. To your second question, those additional topic areas were not part of our direction from the Board on April 4th.

Scott Orr
Deputy Director of Planning

www.PermitSonoma.org

County of Sonoma

Planning Division

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-1754 | Office: 707-565-1900



Access Permit Sonoma's extensive online services at www.PermitSonoma.org

Permit Sonoma's public lobby is open Monday, Tuesday, Thursday, Friday from 8:00 AM to 4:00 PM, and Wednesday from 10:30 AM to 4:00 PM

From: Margaret Grahame <margaret.grahame@timbercoveresort.com>

Sent: Thursday, June 29, 2023 4:33 PM

To: Scott Orr <Scott.Orr@sonoma-county.org>

Cc: Tennis Wick <Tennis.Wick@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>

Subject: LCP - Visitor Serving Policies - Proposed Updates by Supervisor Hopkins

EXTERNAL

Hi Scott,

I have not received a copy of the above document from you yet as discussed at the Special MAC meeting, but have managed to obtain the attached which I believe is the same document, and like then, I continue to have questions

- Am I correct that Supervisor Hopkins drafted this document in consultation with Richard Charter and Richard Retecki?
- Was Permit Sonoma consulted on any of this, most specifically the three new policies – Blufftop/Sea Level Rise, Desalination, and Ocean Outfall?
- What will Permit Sonoma be recommending to the Board of Supervisors review on July 17 regarding policies on visitor serving commercial? Specifically, around these new policies and Policy C-LU-51 on Timber Cove Inn and updates to your last policy paper?

Thanks,

Margaret

Margaret Grahame

Project Manager

[Timber Cove Resort](#) | [Coast Kitchen](#)

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Cell: 831-667-2757



Please share the love for Timber Cove Resort by nominating us for the [Travel and Leisure World's Best Awards 2021](#)

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From: 1mjmack
To: District5@somona-county.org; [PRMD-LCP-Update](#); [BOS](#)
Subject: July 17th 9 am Coastal Plan Meeting
Date: Tuesday, July 11, 2023 9:30:03 PM

EXTERNAL

To: Supervisor Hopkins;
Permit Sonoma; County Planning Department and all Supervisors,

I am opposed to paragraph 5:see below. This is a disguised statement to limit short term rentals on the coast thus hurting a way of life for an area without many hotels where local businesses need tourists to survive. Take away str's and small businesses will fail along the coast. They are already struggling.

Elderly, handicap and others need to rent out their properties for use when they are not there to afford upkeep on their properties as coastal homes age faster than inland homes due to the weather.

Short term rentals are very small businesses. Why is our local government trying to sabotage small businesses? People don't readily rent out unless they need the cash.

Some of our neighborhoods are secluded so an easy prey for robbers. In my area of 30 homes the criminals stay away from the str's due to activity and prey on the cluster of weekend homes.

We don't have the infrastructure to take on more building along the coast. The environment and local habitat will suffer with more building.

This is a pro rich proposal: homeowners having the option to choose how they wish to purpose their home, and the County should not prohibit lower cost housing from being used as a vacation rental, as the cost of other properties that are higher value, will ultimately price low to moderate income families from enjoying the coast. This will help ensure maximum public access because without lower cost visitor serving facilities, members of the public with low or moderate incomes would be more limited in their ability to access and enjoy the coast

I myself believe part of our doing our part is to become more of a sharing caring society by double purposing homes. Please don't take that away from us.

Here is paragraph 5:

5. Consideration of housing affordability in future vacation rental policy development. I support adding a few words to the existing vacation rental program, which allows us in the future to work with communities to create land use policy regarding vacation rentals. At minimum I support adding "housing stock and affordability" to the list of items to consider. I will also consider the following edit in bold: Program C-LU-5-1P: Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas

where concentration of vacation rental [sic] would impact environmentally sensitive habitat areas, water quality, housing stock and affordability, community character, noise, traffic impacts or coastal access and develop land use policy to avoid these impacts.

MJ

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HAROCHE LAW

p: (707) 814-0028 f: (707) 289-7996 bob@haroche.law 121 North Main Street, Ste 210 Sebastopol, CA 95472
www.haroche.law

VIA EMAIL

July 12, 2023

Chairperson Chris Coursey
Members of the Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Technical Correction to Draft Local Coastal Plan*
20400 Coleman Valley Road (APN 101-090-001)
20490 Coleman Valley Road (APN 097-210-004)
20450 Coleman Valley Road (APN 097-210-005)
20000 Coleman Valley Road (APN 101-090-009)

Dear Chairperson Coursey and Members of the Board:

On behalf of George and Renate Lee, owners of the four referenced parcels, I am writing in support of proposed technical corrections to the draft Local Coastal Plan land use map (Figure C-LU-1h Land Use SubArea 8). The correction would allow the referenced parcels to retain their current Land Use designation of Resources and Rural Development (RRD) instead of being redesignated as Timber (T).

- The need for this correction is set forth in the January 6, 2023 attached letter to Permit Sonoma (**Exhibit 1**).
- By email dated January 19, 2023 planning staff indicated that it would recommend this correction with respect to all four parcels (**Exhibit 2**).
- In the most recent LCP update staff addressed this issue but recommended, erroneously, that only two of the four parcels retain their RRD designation (**Exhibit 3**).
- Staff subsequently confirmed that they would “correct the correction” in their presentation to the Board on July 17 (**Exhibit 4**).

Board of Supervisors

July 12, 2023

Page 2 of 2

We trust that staff will in fact recommend that all four parcels retain their RRD designation but, out of an abundance of caution, we wanted to bring this issue directly to your attention.

Sincerely,

A handwritten signature in blue ink that reads "Bob Haroche". The signature is cursive and fluid.

Bob Haroche

cc: Clients

Tennis Wick

Cecily Condon

Gary Helfich

Claudette Diaz

EXHIBIT 1



January 6, 2023

Mr. Tennis Wick
Ms. Cecily Condon
Mr. Gary Helfrich
Permit Sonoma
2550 Ventura Ave
Santa Rosa, CA 95403

Re: Technical Correction to Draft Local Coastal Plan
20400 Coleman Valley Road (APN 101-090-001)
20490 Coleman Valley Road (APN 097-210-004)
20450 Coleman Valley Road (APN 097-210-005)
20000 Coleman Valley Road (APN 101-090-009)
HL no. 145-01

Dear Mr. Wick, Ms. Condon, and Mr. Helfrich:

On behalf of George and Renate Lee, owners of the referenced property, I am writing in support of a proposed technical correction to the draft Local Coastal Plan land use map (Figure C-LU-1h Land Use SubArea 8).

The four parcels in question have a current Land Use designation of Resources and Rural Development (RRD). The most recent public draft of the LCP, however, erroneously redesignates them as Timber (T). We understand that staff will recommend that this proposed redesignation *not* be implemented because it is the result of a mapping error first appearing in the 2015 draft land use map.¹ For the following reasons we strongly support that technical correction.

¹ Email from G. Helfrich dated December 6, 2022 (**Exhibit A**).

Tennis Wick
 Cecily Condon
 Gary Helfrich
 January 6, 2023
 Page 2 of 4

The Subject Property Is Primarily Grassland
 Not Suitable for Timber Production

The Timber designation is intended “for the continued operation and protection of Timber Preserves”² but the property in question is not viable timberland and has never been part of a timber preserve, but has instead been used for generations for cattle grazing, dairy, sheep raising, and related ranching pursuits. Nor is there now an approved Timber Harvest Plan for any portion of the land.

This absence of timber activity (or interest) is explained by the fact that the land is primarily grassland, not timberland. As shown below, 45% of the entire 607 acres in question are coastal grasslands. Because a timber harvest plan for the coast redwood would be economically and politically infeasible, it is only the Douglas fir that could possibly be considered viable timber. Yet that species is present on only 136 acres, or 22% of the entire acreage.

There is therefore no “continued [timber] production” to protect nor any potential for such future production.

Vegetation composition for Lee Ranch						
	101-090-001	097-210-005	097-210-004	101-090-009	Subtotal	% of Total
Perennial Coastal Grassland	206	0.3	0.1	67.6	274	45%
Douglas Fir	107	2	2	25	136	22%
Cal Bay woodland	47	0.4		41	88.4	15%
Coast Redwood	45	5	16	0	66	11%
Coyote brush	8			2.2	10.2	2%
Other	23	0.2	0.5	9.2	32.9	5%
Total acreage	436	7.9	18.6	145	607.5	
Sources: Sonoma County Wildfire Fuel Mapper Parcel Reports, Adobe Associates, Sonoma GIS						

² LCP Planning Commission Recommended Draft Land Use Element, p. LU-23

Tennis Wick
Cecily Condon
Gary Helfrich
January 6, 2023
Page 3 of 4

The Subject Property Is Best Suited for
Continued Ranchland Management

Since at least the late 1800's, the subject lands (known as the Little Buckhorn Ranch and its neighbor to the southeast) have been used continuously for either dairy, cattle, sheep or ranching operations.³ In fact, the draft LCP's Agricultural Resources map continues to identify nearly the entirety of the Lees' property as "grazing land."⁴ Today the Lees continue the land's legacy in their stewardship of the land for ranching and open space purposes using best practices in grazing and grassland management.⁵

Their conscientious ranchland management reflects and implements the County's long-standing policy of supporting local agriculture as well as, in this era of climate change, its need to identify, develop, and maintain defensible fire buffer zones and escape routes.⁶

Retaining the RRD land use designation, consistent with the historic and continuous use of the land, furthers those policies. Redesignating it as Timber, when the land is unquestionably unsuited for any viable timber production, does not.⁷

For these reasons we encourage the County to adopt staff's technical correction to ensure that the subject property retain its RRD land use designation.

³ Wright Hill Ranch Open Space Preserve Management Plan: Natural and Cultural Resources (January 2017), p. 5.

⁴ Draft LCP Agricultural Resources Map (Figure C-AR-1h) (annotations added) (**Exhibit B**).

⁵ Letter of support dated December 9, 2022 from Sonoma Mountain Herefords (**Exhibit C**).

⁶ Letter of support dated December 6, 2022 from Sonoma County Fire District (**Exhibit D**).

⁷ Agricultural use could possibly be allowed under the proposed Timber designation but only subject to a discretionary coastal permit subject to the review – and political whim – of the Coastal Commission.

Tennis Wick
Cecily Condon
Gary Helfrich
January 6, 2023
Page 4 of 4

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Haroche".

Bob Haroche

cc: Clients
Supervisor Lynda Hopkins

EXHIBIT A

From: Gary Helfrich gary.helfrich@sonoma-county.org
Subject: RE: 20501 Coleman Valley Road - vegetation management and portable electric fence for livestock grazing
Date: December 6, 2022 at 7:55 AM
To: Renate Lee renatelee@sbcglobal.net
Cc: Bob Haroche bob@haroche.law, Cecily Condon Cecily.Condon@sonoma-county.org



Hi Renate,

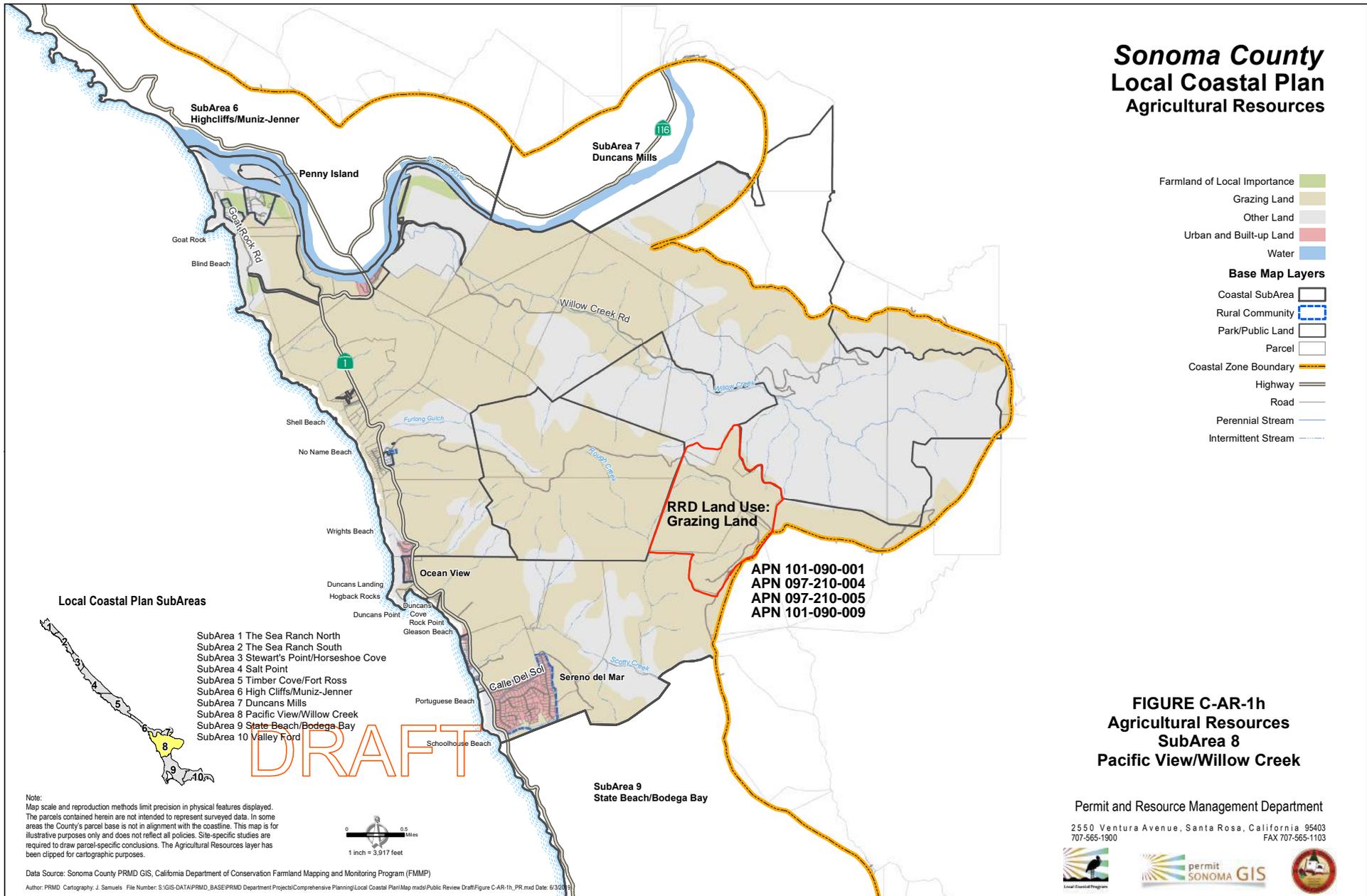
I work in policy development (comprehensive planning), not project review or code enforcement - You will need to work with our project review section to verify if activities are subject to permitting – I have cc'd Cecily Condon, our project review manager, on this message. She will be able to connect you with staff that can answer your questions regarding permitting.

Follow up to an earlier question: We will be recommending a technical correction to the LCP land use maps that will keep the current land use designation for your property, rather than changing it to Timber. The change appears related to mapping errors associated with the 2015 draft land use maps that were carried forward to the current draft land use maps.

Gary

EXHIBIT B

Sonoma County Local Coastal Plan Agricultural Resources



- Farmland of Local Importance
 - Grazing Land
 - Other Land
 - Urban and Built-up Land
 - Water
- Base Map Layers**
- Coastal SubArea
 - Rural Community
 - Park/Public Land
 - Parcel
 - Coastal Zone Boundary
 - Highway
 - Road
 - Perennial Stream
 - Intermittent Stream

Local Coastal Plan SubAreas

- SubArea 1 The Sea Ranch North
- SubArea 2 The Sea Ranch South
- SubArea 3 Stewart's Point/Horseshoe Cove
- SubArea 4 Salt Point
- SubArea 5 Timber Cove/Fort Ross
- SubArea 6 High Cliffs/Muniz-Jenner
- SubArea 7 Duncans Mills
- SubArea 8 Pacific View/Willow Creek
- SubArea 9 State Beach/Bodega Bay
- SubArea 10 Valley Ford

**RRD Land Use:
Grazing Land**

APN 101-090-001
APN 097-210-004
APN 097-210-005
APN 101-090-009

**FIGURE C-AR-1h
Agricultural Resources
SubArea 8
Pacific View/Willow Creek**

Permit and Resource Management Department
 2550 Ventura Avenue, Santa Rosa, California 95403
 707-565-1900 FAX 707-565-1103



Note:
 Map scale and reproduction methods limit precision in physical features displayed.
 The parcels contained herein are not intended to represent surveyed data. In some
 areas the County's parcel base is not in alignment with the coastline. This map is for
 illustrative purposes only and does not reflect all policies. Site-specific studies are
 required to draw parcel-specific conclusions. The Agricultural Resources layer has
 been clipped for cartographic purposes.

Data Source: Sonoma County PRMD GIS, California Department of Conservation Farmland Mapping and Monitoring Program (FMMP)
 Author: PRMD Cartography: J. Samuels File Number: S:\GIS-DATA\PRMD_BASE\PRMD Department Projects\Comprehensive Planning\Local Coastal Plan\Map mxd\Public Review Draft\Figure C-AR-1h_PR.mxd Date: 6/3/2019

EXHIBIT C



December 9, 2022

To: Gary Helfrich, Sonoma County Planning
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Gary,

Sonoma Mountain Herefords is working with the Lee Family to effect beneficial, rotational, livestock grazing on their 500+ acres of grasslands at the Little Buckhorn Ranch and on their properties along Coleman Valley Road. Historically, the primary use of these lands has been for livestock grazing, and the Lee's are carrying on with that tradition, but with the addition of resources and infrastructure that support today's best practices in healthy perennial grasslands management.

We strongly encourage the County to continue recognizing the primary agricultural Land Use on these lands, and allow the Lee's lands currently in RRD Land Use category to remain that way. We lease several properties in Sonoma and Marin Counties and find the Lee Family among the best in land and pasture management.

Sincerely,

Jim Mickelson
President
Sonoma Mountain Herefords Inc.
5174 Sonoma Mountain Road
Santa Rosa Ca. 95404
707-762-1473

EXHIBIT D

SONOMA COUNTY FIRE DISTRICT

Honesty ♦ Respect ♦ Integrity

December 6, 2022

Gary Helfrich
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Gary,

For the past 5 years under the Bodega Bay Fire Protection District, I have worked with the Lee family of the Little Buckhorn Ranch to provide consultation and resources for vegetation management, defensible space, and pre-fire planning in the Coleman Valley corridor of our Fire District. The Lee Family has contributed to the overall planning and vision of providing opportunities for the Fire District to establish escape routes, fuel breaks and buffer zones to provide for the overall benefit of all residents in the area in the event of a fire.

Since July 1, 2022, the annexation date of the Bodega Bay FPD by the Sonoma County Fire District, The Sonoma County Fire District continues to work with the Lee family on preventative measures and ongoing vegetation management to accomplish the above stated goals. The Sonoma County Fire District recognizes the livestock grazing operation of the Little Buckhorn Ranch and along Coleman Valley Road for its important role in maintaining healthy grasslands and reducing brush encroachment in our West County region. We appreciate their ongoing commitment to conscientious stewarding of their lands with sustainable livestock grazing and we consider their ranch grasslands management critical to the success of our evacuation routes, fuel buffer zones, and pre-fire planning. We strongly support the continuance of their agricultural operations as permitted under current land use and zoning regulations.

Please contact me if you have any follow up questions or concerns at (707) 892-0163

Sincerely,

J. Fox

Justin Fox
Captain

EXHIBIT 2

RE: Letter in Support of Technical Correction to Draft Local Coastal Plan



Gary Helfrich

Jan 19, 2023 at 10:43 AM

To: Bob Haroche, Cecily Condon

Cc: Renate Lee

Hi Bob,

I have received your letter and it will be included in the Board of Supervisors packet at the next hearing. The current staff recommendation is correct a mapping error made in an earlier draft of the LCP and maintain the existing RRD land use for parcels 097-210-004, 097-210-005, 101-090-001, and 101-090-009.

Gary

From: Bob Haroche <bob@haroche.law>

Sent: Wednesday, January 18, 2023 4:01 PM

To: Cecily Condon <Cecily.Condon@sonoma-county.org>

Cc: Renate Lee <renatelee@sbcglobal.net>; Gary Helfrich <Gary.Helfrich@sonoma-county.org>

Subject: Re: Letter in Support of Technical Correction to Draft Local Coastal Plan

EXTERNAL

Hi Cecily,

As I was going through my emails, I noticed that I never received confirmation from Permit Sonoma acknowledging receipt of my email and attached letter from earlier this month.

Can you confirm?

- Receipt of the attached letter
- That it will be included as part of the administrative record for the draft Coastal Plan
- That staff will indeed support the technical correction described in the letter

Thank you.

Regards,

Bob

Haroche Law

EXHIBIT 3



Sonoma County Local Coastal Plan Update

Technical Corrections

Technical Corrections: Policy Summary:

The recommended changes below represent technical errors that have been identified during the Local Coastal Plan development and public hearing process. These errors do not represent a substantive change in the policy intent of the Planning Commission Recommended Draft.

General Corrections

Once adopted by the Board of Supervisors, review the adopted Local Coastal Plan for policy numbering errors, incorrect internal references, spelling, grammar, and consistency with local, state, and Federal regulations and adopted plans.

Land Use Element:

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.

Circulation and Transit Element:

A number of trails in the coastal zone provide both recreation and routes for bicycle and pedestrian transportation. This is reflected in the following changes to Objectives C-CT-5.1 and C-CT-5.2:

Objective C-CT-5.1: Equitably allocate the costs of circulation, **trail**, and transit system improvements among the responsible public and private entities responsible for creating the need for system improvements.

Objective C-CT-5.2: Work with the SCTA and Federal and State governments to obtain the

EXHIBIT 4

RE: Technical Correction



Claudette Diaz

📧 Jun 8, 2023 at 8:51 AM

To: Renate Lee, Cecily Condon

Cc: Bob Haroche

 Fwd: Letter in Support of Technical Correction to Draft Local Coastal Plan.eml

Good Morning, Renate,

Thank you for providing the email correspondence with Gary. **We will address this mapping correction in the staff report and BOS presentation.**

Please let us know if you have any other questions.

Thank you,
Claudette Diaz

Claudette Diaz

Planner III

www.PermitSonoma.org

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-7387 | Office: 707-565-1900



Due to the Public Health Orders, online tools remain the best way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at PermitSonoma.org.

The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 8:00 AM – 4:00 PM; Wednesday, 10:30 AM – 4:00 PM.

Thank you for your patience as we work to keep staff and the community safe.

From: Renate Lee <renatelee@sbcglobal.net>

Sent: Tuesday, June 06, 2023 1:41 PM

To: Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Cc: Bob Haroche <bob@haroche.law>

Subject: Fwd: Technical Correction

EXTERNAL

Hello Claudette and Cecily,

First and foremost, thank you both so much for your remarkable review and turn of the LCP with the "2023 Policy Update" released yesterday. I am really looking forward to reading everything in detail, but even at a high-level, it's clear an incredible amount of review, drafting and revision happened in a very short period of time. I can't begin to imagine what it's like on your end, managing an entire County, but I am deeply grateful for the time and care you gave us with our concerns and requests.

Given all that, I'm reluctant to even bring this up, but I noticed in the new update, that the language describing the Willow Creek Map Correction (that affects my four RRD parcels) was not edited to note that all four parcels would retain RRD. The February Policy Options document omitted two of the four APNs in the Correction Comment, and Gary confirmed in the email thread below, that they would nonetheless be included in the staff recommendation to the BOS.

The July 2023 Update seems to mirror the February 2023 language, without listing all four APNs. Could you please confirm our prior understanding, that all four APN's will be noted to remain RRD in your staff presentation to the BOS?

This is what the Correction would look like, with all four noted:

Correction Comment: Revise Land Use Map Figure C-LU-1h to designate land use for APN 101- 090-001, and 101-090-009, 097-210-004 and 097-210-005 as Resources and Rural Development, consistent with current zoning and land use designation in the 2001 Local Coastal Plan.

(Reference: page 2 of the July 2023 Policy Options).

Thank you again!

Best,
Renate
(415) 367-5069 cell

From: [Ginny Nichols](#)
To: [Claudette Diaz](#)
Subject: Preserve the LCP Site Specific Language
Date: Wednesday, July 12, 2023 9:14:57 AM
Attachments: [PreserveLCPSiteSpecificLanguage.pdf](#)

EXTERNAL

Dear Supervisor Lynda Hopkins, Supervisor Susan Gorin, Supervisor Chris Coursey, Supervisor James Gore and Scott Orr, Claudette Diaz, and Cecily Condon from Permit Sonoma,

As competing pressures on land use continue to press the county it's evident that the interests in conflict with conservation and preservation, i.e. accelerated development interests, are attempting to influence decision makers to facilitate the unraveling of the current version of the Sonoma Coast LCP. Enabling this to happen would mark the unbridled beginning of the end of the coast as we know it. It could open the doors to legal loopholes and challenge the protections from further development those parcels enjoy.

As elected Supervisors your first duty is to the citizens of Sonoma County that elected you to listen to us. Please, oppose the removal of the parcel specific protection language from the LCP. Please continue to support these protections that preserve our uniquely beautiful and preserved coast. The current and previous LCP versions contain these parcel specific protections for important reasons. These provisions are present neither due to sloppiness nor oversight. That is not accidental nor are they arbitrary. They were not included in prior LCP versions haphazardly and they are not redundant as some people claim. They are there to ensure that existing businesses at the time of the original LCP were able to continue their operations under the LCP with modest expansion. These parcel specific protections were a compromise to enable peaceful coexistence with the LCP.

Let us not naively ignore the enormous financial interests at play. Those interests are attempting to drive wedges to break apart the coast protections. Thank you for being vigilant and for your support to protect our coast. Vote absolutely "NO" on removing these parcel specific protections. We all stand on the shoulders of those who came before us who protected our beautiful coast. Sonoma county citizens voted repeatedly to protect our coast. Please continue to do so.

Thank you.

Sincerely Yours,
Ginny Nichols
Bodega Bay Coastal MAC Representative

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Dear Supervisor Lynda Hopkins, Supervisor Susan Gorin, Supervisor Chris Coursey, Supervisor James Gore and Scott Orr, Claudette Diaz, and Cecily Condon from Permit Sonoma,

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Let us not naively ignore the enormous financial interests at play. Those interests are attempting to drive wedges to break apart the coast protections. Thank you for being vigilant and for your support to protect our coast. Vote absolutely "NO" on removing these parcel specific protections. We all stand on the shoulders of those who came before us who protected our beautiful coast. Sonoma county citizens voted repeatedly to protect our coast. Please continue to do so.

Thank you.

Sincerely Yours,
Ginny Nichols
Bodega Bay Coastal MAC Representative

From: [don oliver](#)
To: [Claudette Diaz](#)
Subject: LCP Erroneous Content
Date: Wednesday, July 12, 2023 12:54:09 PM

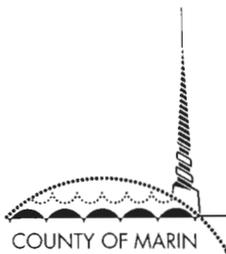
EXTERNAL

Attached to the LCP is a local coastal plan of public access. On this I-35 Estero Ranch Preserve Trail is identified as an existing trail. This is wrong - this trail does not exist. Furthermore both the Coastal Commission and Sonoma County are parties to the 1977 settlement agreement that stipulates public access from the Short Tail Gulch & Pinnacle Gulch trails only to the beach. This is not access to an unrelated inland property.

Thank you,
Don Oliver
415-559-0390

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COMMUNITY DEVELOPMENT AGENCY

July 11, 2023

Claudette Diaz
Sonoma County Permit and Resource Management Department
2550 Ventura Ave
Santa Rosa, CA 95403
SENT VIA EMAIL

RE: Sonoma County Local Coastal Plan Update

Dear Ms. Diaz:

Thank you for the opportunity to comment on the proposed Sonoma County Local Coastal Plan. Marin County provided comments on the LCP Public Access Plan in the attached letter dated March 8, 2021. I am writing at this time to ensure that the Sonoma County Board of Supervisors is aware of points raised in that letter. Namely, the Marin County LCP does not continue Sonoma County's proposed coastal access route at Estero Americano. Our adopted LCP recommends a trail alignment along Highway 1.

In addition, it has been brought to my attention that one or more of the maps in the draft LCP might contain an error regarding the location of the county line. The entirety of the south bank of the Estero Americano should appear within Marin County. It is my understanding that you are already aware of this, and it is being addressed.

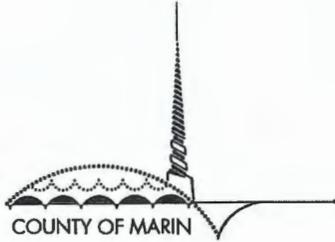
If you have any questions regarding this matter, you may reach me at (415) 473-7001 or by email at sbjones@marincounty.org.

Sincerely,

Sarah B. Jones
Director

Attachment: Letter from Tom Lai to Cecily Condon (March 8, 2021)

cc (by email):
Supervisor Dennis Rodoni
Supervisor Katie Rice
Tennis Wick, Director, Permit Sonoma
Kathleen Kilgariff, Planner, Marin County Community Development Agency
Ms. Nichola Spaletta



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

March 8, 2021 (Sent Via Email to PRMD-LCP-Update@sonoma-county.org)

Cecily Condon
Sonoma County Permit and Resource Management Department
2550 Ventura Venue
Santa Rosa, CA 95403

RE: Sonoma County Draft Local Coastal Plan Update - Public Access Plan

Dear Ms. Condon:

I am writing in response to concerns raised by the Spaletta Families in their comment letter dated November 28, 2020 regarding the 2019 Public Review Draft of Sonoma County's Local Coastal Plan Update. Specifically, Section J-1 (Valley Ford Subarea 10) states:

"The coastal route follows the shoreline of the Bodega Harbor subdivision from Doran Regional Park to the Marin County line at the Estero Americano. This pedestrian only route is limited to use during low tides, although portions can be accessed anytime from Doran Beach, Pinnacle Gulch, and Short Tail Gulch Trail."

The recommended coastal route is depicted in Figure C-PA-1K which shows an access point (K-2) at the Estero Americano Preserve. Please note that Marin County does not identify existing, proposed, or continuation of a coastal access alignment from Sonoma County across the county line at the Estero Americano. The Marin County Local Coastal Program identifies the proposed coastal trail alignment inland along Highway 1, which provides a seamless transition into the proposed alignment at Valley Ford, as depicted in Figure C-PA-1k. Our Local Coastal Program identifies the inland (Highway 1) alignment for the proposed coastal trail in recognition of the difficult terrain, sensitive ecosystem, and potential conflict with agricultural uses associated with a coastal alignment.

Please let me know if you have any questions regarding this matter. I can be reached at (415) 473-6292 or by email at tlai@marincounty.org.

Sincerely,

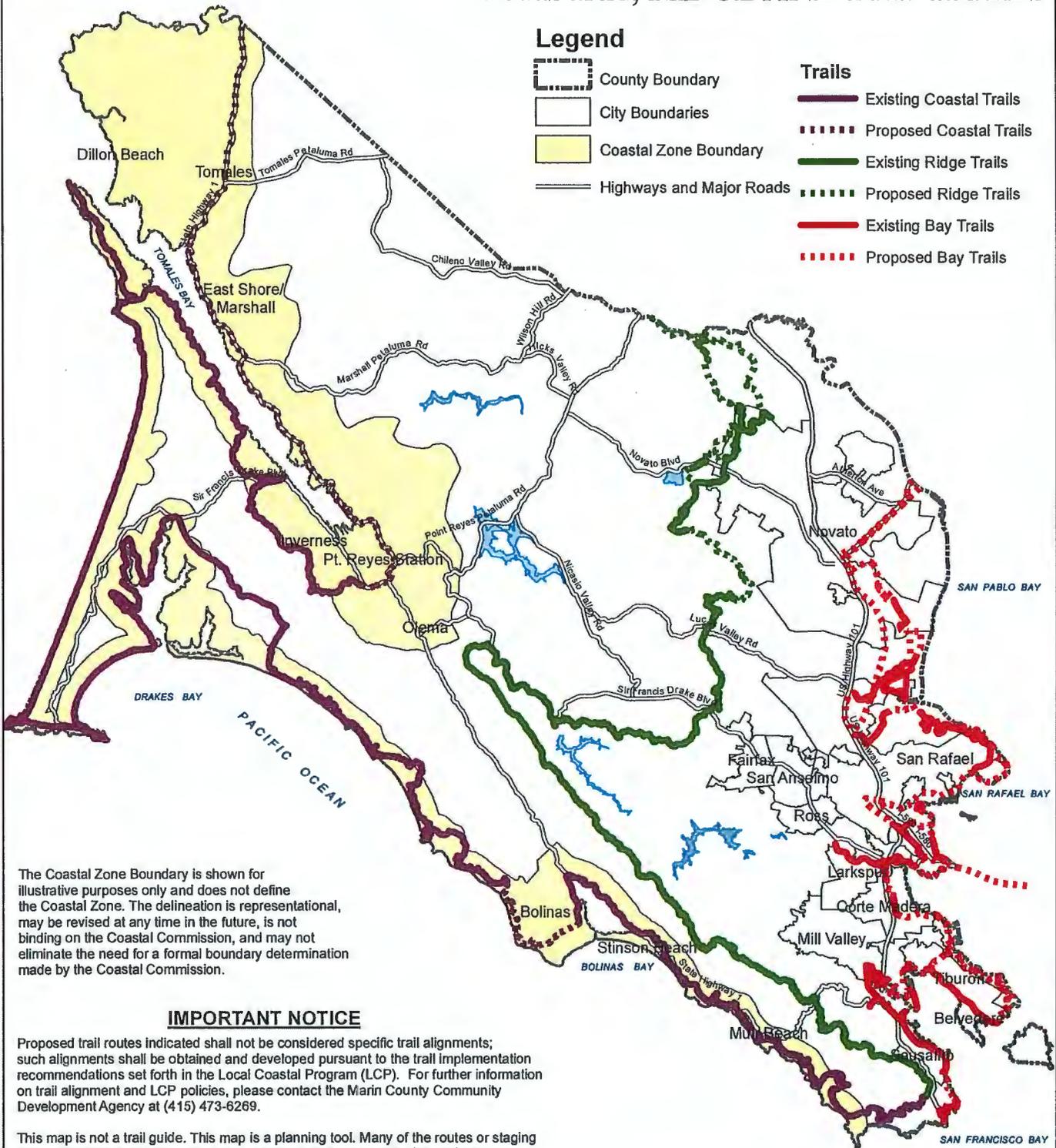
Tom Lai, Interim Director

Attachment: Marin County Local Coastal Program Map 25

MAP 25 COASTAL, RIDGE AND BAY TRAILS

Legend

- | | | |
|---|--------------------------|---|
|  | County Boundary | Trails |
|  | City Boundaries |  Existing Coastal Trails |
|  | Coastal Zone Boundary |  Proposed Coastal Trails |
|  | Highways and Major Roads |  Existing Ridge Trails |
| | |  Proposed Ridge Trails |
| | |  Existing Bay Trails |
| | |  Proposed Bay Trails |



The Coastal Zone Boundary is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.

IMPORTANT NOTICE

Proposed trail routes indicated shall not be considered specific trail alignments; such alignments shall be obtained and developed pursuant to the trail implementation recommendations set forth in the Local Coastal Program (LCP). For further information on trail alignment and LCP policies, please contact the Marin County Community Development Agency at (415) 473-6269.

This map is not a trail guide. This map is a planning tool. Many of the routes or staging areas identified on the map are simply proposed and not open to the public for any purpose. This map does not convey any rights to the public to use any trail routes shown on this drawing; nor does this map exempt any person from trespassing charges. For copies of maps about existing trails that are available for public use, contact the Marin County Department of Parks and Open Space at (415) 473-6387.

Note: For questions or comments on these State and Regional trails, please contact the appropriate agency.

SOURCE: Association of Bay Area Governments (Bay and Ridge Trails), California State Coastal Conservancy, California Coastal Commission (Coastal Trails).

0 1.25 2.5 5 7.5 10 Miles

THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES AND IS ILLUSTRATIVE ONLY. THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE. THIS MAP IS REPRESENTATIONAL ONLY. DATA ARE NOT SURVEY ACCURATE.

Date: 12/22/2016 File: Map 25_Coastal Ridge Bay Trails.mxd



From: [J Alexich](#)
To: [Lynda Hopkins](#)
Cc: [BOS](#); [Tennis Wick](#); [Gary Helfrich](#); [Claudette Diaz](#)
Subject: Local Coastal Plan Update Correction
Date: Thursday, July 13, 2023 9:49:20 AM

EXTERNAL

Via Email – July 13, 2023

Lynda Hopkins, Supervisor, 5th District
Sonoma County Board of Supervisors

Copy to:
Sonoma County Board of Supervisors
Tennis Wick, Director, Permit Sonoma
Gary Helfrich, Project Planner, Permit Sonoma
Claudette Diaz, LCP Planner, Permit Sonoma

Re: Local Coastal Plan Update

Dear Supervisor Hopkins,

I appreciate your leadership of Sonoma County's Local Coastal Plan process, the involvement of your Board colleagues, and the efforts of many County staff members in preparing the current draft plan. I have been following the LCP update process closely, and with Bodega Harbour neighbors have participated in providing input to various elements within the plan. I also served on the Bodega Harbour Homeowners Association Board of Directors from August 2020 to June 2023, and have provided written input to the process in that capacity. I have every hope that the Plan Update will be a fine resource for Sonoma County and its residents.

As a 30-year resident of Bodega Harbour, I support public access to Sonoma County's beautiful coast and beaches. However, in reviewing the latest LCP draft I became aware of a problematic reference in Appendix B Public Access, page 91, section I-35 regarding the Estero Ranch Preserve, which states that "Future trail access may connect Short Tail Gulch Trail to Estero Ranch Preserve." This statement is not true. Short Tail Gulch Trail traverses Bodega Harbour Common Area property, ending at the beach. The LCP statement on page 91, and any other text or maps referencing potential public access from Bodega Harbour Common Area property inland to Estero Ranch property, should be eliminated to cure misrepresentation of possible public access.

There never has been, nor can there be public access from Bodega Harbour to neighboring properties. Any suggestion in the LCP that there exists now, or may exist in the future, public access through Bodega Harbour property to the Estero Ranch is inaccurate. The County does not have the authority to grant this access due to the 1977 Settlement Agreement and Judicial Stipulation between the California Coastal Commission, Sonoma County, and the developer of Bodega Harbour, which subsequently transferred ownership to the Bodega Harbour Homeowners Association. That three-way agreement provides two public access easements

(Pinnacle Gulch Trail and Short Tail Gulch Trail) owned by Bodega Harbour and maintained by the County for the sole purpose of allowing “reasonable public access to and full public use of all beach area within Bodega Harbour.” (Emphasis added.) Any change to provisions of the Settlement Agreement and Stipulated Judgement would require agreement by all parties.

The current draft LCP document should not be approved by the Board of Supervisors without removing the inaccurate and erroneous information referencing public access to the Estero Ranch Preserve via the Short Tail Gulch Trail.

Sincerely,

Jennie Alexich
Heron Drive, Bodega Harbour
P.O. Box 905, Bodega Bay

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FOREVER / USA



GEORGE MORRISON
FOREVER / USA

Tennis Wick

Permit Sonoma Director

2550 Ventura Ave.

Santa Rosa, CA 95403

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JUL 10 2003

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MANAGEMENT COUNTY OF SONOMA
USA

84091-262999

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1580 Estero Ln.
Bodega Bay,

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Claudette Diaz
Planning Project Review
2550 Ventura Ave.
Santa Rosa CA 95403

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Berkeley Bay, Ct 94923



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MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

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Scott Orr

Permit Sonoma Deputy Director
2550 Ventura Ave

B + G ZACCO

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RODEGA BAY, CA 94923

5 JUL 2023 PM

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Scott Orr

Permit Sonoma Deputy Director

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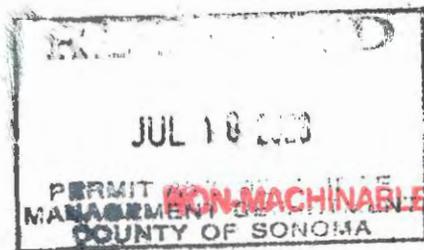
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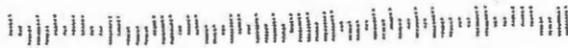
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Tenis Wick
Permit Sonoma Director
2550 Ventura Ave.
Santa Rosa, CA. 95403



95403-282099



- PROPOSED ACCESS POINTS/WISHLIST
ON INTERNAL DOCUMENTS ONLY
 - DON'T CONFUSE THE PUBLIC
 - PROTECT ESTERO AMERICANO

ERASE THE DOTS

**PROTECT
ESTERO AMERICANO!**

From: [Renate Lee](#)
To: [Lynda Hopkins](#); [district5](#); [Dayna Ghiradelli](#); [stephanie Larson](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Beth Bruzzone](#); [Andrew Smith](#)
Subject: Preserving the Environmental Resources Management Recommendations and Cat Ex
Date: Thursday, July 13, 2023 3:46:34 PM

Thank you all so much for your time on Monday discussing Ag and the LCP!

We touched on a lot of subjects, but please allow me to circle back on the Categorical Exclusion Order and its requisite Environmental Resources Management Recommendations (ERMR).

It's clear that the OSRC element in the LCP Update is meant to amend/replace Chapter III. Environment. But Chapter III houses the ERMR.

If the OSRC element were only more restrictive than the ERMR, that would seem to be less of an issue, but that's not always the case.

Noted below is an example, where the OSRC policy is more permissive than the ERMR. Hypothetically, if staff allowed an OSRC-5d exception for a Barn within 100 ft of wetland under the Cat Ex exclusion, it would be violating the conditions of the Cat Ex.

Perhaps it would make sense to create an Appendix for the ERMR, so that those requirements live on, like the Cat Ex and Right To Farm? Or add policy to the LCP Update to clarify that the county is not amending the ERMR to weaken any environmental protections?

Example:

Chapter III. Environment
Environment Resources Management Recommendations
Wetlands (Marshes, Ponds, Reservoirs, Seeps):

25. Prohibit construction of agriculture, commercial, industrial and residential structures within 100 feet of wetlands.

Versus ...

Policy C-OSRC-5d: Establish and maintain buffer areas, a minimum of 100 feet in width, in a natural, undeveloped, condition along the periphery of all wetlands. Wetland buffers shall be developed in accordance with Appendix E-3. Development within the buffer area is prohibited unless a study prepared by a qualified professional and reviewed by the Permit Sonoma Natural Resources Section determines that the proposed development will have no potential for an adverse impact on the wetland. (Page OSRC-23)

Thank you very much for your consideration,
Renate

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PRMD-LCP-Update@sonoma-county.org
Claudette.diaz@sonoma-county.org
NorthCentralCoast@coastal.ca.gov

**FROM: Kim Kilkenny, President Bodega Harbour Homeowners Association
Carmen Estrada, Vice-President Bodega Harbour Homeowners Association**

DATE: July 13, 2023

RE: Agenda Item July 17, 2023 Board of Supervisors – Local Coastal Plan Update

Bodega Harbour is in Sonoma County’s Coastal Zone (District 5). We provide two pedestrian trails to the beach, and have provided the public with coastal access for over 50 years.

This public access was memorialized in a 1977 Settlement Agreement between the developer of Bodega Harbour – and the CA Coastal Commission. In the 1977 Stipulated Judgment Sonoma County was given parts of Doran beach, beach bluffs, two public trails to the beach and a public parking lot on Bodega Harbour property.

The Local Coastal Plan Update includes misleading information about Bodega Harbour’s Short Tail Gulch Trail and its Pinnacle Gulch Trail and parking lot. There are several references in the update that indicate there is PUBLIC ACCESS from our pedestrian (easement) trails to a neighboring property – Estero Ranch. For example, *Appendix B, Public Access Plan, Page 91, I-35 “Estero Ranch”* states *“Future trail access may connect Short Tail Gulch Trail to Estero Ranch Preserve.”*

This is inaccurate and not possible because of the legal limitations of our public trails to the beach set out in the Stipulated Judgment and the Grant Deeds given to the county for the trails. Legally our trails are “to the beach” and not to a neighboring property.

We have provided the Board with extensive written background in two separate letters dated June 8, 2023 and July 5, 2023 providing the evidence that establishes this.

The 1977 stipulated judgment and resulting grant deeds to the county bind the Bodega Harbor Association, the Coastal Commission, and the County. Those documents restrict pedestrian access from the Pinnacle Gulch parking lot and the Short Tail and Pinnacle Gulch trails to solely BEACH access.

Inland access to Estero Ranch is not permitted. Any LCP suggestions, whether in text or maps, that there is existing access or potential access through Bodega Harbour common areas to Estero Ranch are inaccurate, raise false expectations, and should be removed.

Thank you for your time.