



Sonoma County Local Coastal Plan Update Public Comment Responses

Overview of Public Outreach

Active participation by stakeholders, including citizens, interest groups, government agencies, and research organizations is essential to creating a Local Coastal Program that will protect coastal resources and guide sustainable land use along the Sonoma Coast.

The Preliminary Draft of the Local Coastal Plan was published in June 2015, and five public workshops were held during the summer of 2015. In response to this input, the Preliminary Draft Local Coastal Plan was revised, but a series of major disasters, including the Tubbs Fire, Kincadee Fire, and Russian River flood delayed publication. The Public Review Draft of the Local Coastal Plan was released on October 10, 2019, and five public workshops were conducted at the following locations:

- November 17, 2019: The Sea Ranch Del Mar Hall
- December 14, 2019: Bodega Bay Fire Station
- January 7, 2020: Monte Rio Community Center
- January 15, 2020: Coastal MAC Meeting, Timber Cove Inn
- January 30, 2020: Sonoma County Planning Agency, Permit Sonoma Hearing Room

In addition to these workshops, Permit Sonoma staff gave a presentation to the National Oceanic and Atmospheric Administration Greater Farallones Marine Sanctuary Advisory Council on February 19, 2020. This presentation focused on climate change adaptation and improving resiliency to increased wildfire risk, sea level rise, landslides, and effects of sea level rise.

Meetings were very well attended and generally filled each meeting location to capacity, and the outreach effort resulted in comments from over 200 stakeholders. Comments were received via workshops, email, phone calls, letters, and in person conversations with Permit Sonoma staff.

Comment on general topics are summarized below with responses from Permit Sonoma Staff. A comprehensive summary of outreach, answers to frequently asked questions, and an archive of all comments received to date can be found on the Local Coastal Plan Update website at <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Local-Coastal-Program/Proposed/>

Note: The summary below will refer to the Public Review Draft of the Local Coastal Plan as the “Public Review Draft”. References to “Local Coastal Plan” refer to the current Local Coastal Plan. “Planning Commission Draft of the Local Coastal Plan” is a future update of the draft that will be considered by the Sonoma County Planning Commission in early 2021.

This summary is intended to provide responses to general topics rather than provide individual responses to all comments received since September 2019. Staff extends thanks to all who took time to participate in the workshops and provide valuable input that will be used to develop the Planning Commission Draft of the Local Coastal Plan.



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General Comments

1. The Public Review Draft is not well organized, uses inconsistent terminology, and is difficult to read.

The most frequent comment was that organization and readability of the Public Review Draft needs improvement, the index and glossary are not complete, and background information is outdated and vague.

Response:

These concerns will be addressed as part of preparing a Planning Commission Draft of the Local Coastal Plan. These revisions will be organizational and will not modify policies except where required for technical corrections such as typos, or corrections to maintain regulatory consistency.

The Agricultural Resources Element has been updated as a template for the other Elements. This update includes revision of all non-policy text, new graphical presentation of the element, and revised mapping.

2. Insufficient time has been provided to review and comment on Public Review Draft

Participants at the five public workshops expressed frustration at what was seen as a limited amount of time to review and comment on the Public Review Draft

Response:

The comment that insufficient time was allowed for review and comment was consistently raised in the context of lack of organization and readability of the Public Review Draft. Additionally, communications regarding comment deadlines were not as clear as desired, and individual workshop dates were often misunderstood as a final deadline for public input. Permit Sonoma is improving messaging through social media, email, virtual meetings, and the Permit Sonoma website.

The public are encouraged to provide comments by October 10, 2020 to allow staff sufficient time to consider the comments when developing the Planning Commission Draft of the Local Coastal Plan. The Public Review Draft was published September 2019, providing a public comment period more than a year between the publication and the final public workshop. There will be additional opportunities for public input at each stage of the public hearing process as the Local Coastal Plan draft moves from the Planning Commission to the Board of Supervisors and finally to the Coastal Commission for certification.

Some comments regarding lack of time to review the Public Review Draft requested that a Citizen's Advisory Committee be created as part of the public process for the Local Coastal Plan update. A formal Citizens Advisory Committee is not within the scope of this project instead the scope of the project uses stakeholder meetings and public workshops as the primary forum for input.



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3. Tracking and understanding policy changes between the Local Coastal Plan and the Public Review Draft is overly complicated.

Comments from the public frequently raised concerns that Local Coastal Plan policies were deleted or revised in Public Review Draft and it was difficult to discover if the policy was removed, moved to another section, or modified. Additionally, when policies were removed or modified, it was not possible to understand why the change was necessary.

Response:

Policy Comparison Tables are available that list all policies in the Local Coastal Plan and track their inclusion, revision, or removal from the Public Review Draft. Where a policy was removed or revised, a brief explanation is provided for each policy.

A comprehensive glossary and complete index will be included in the Planning Commission Draft of the Local Coastal Plan.

4. It is unclear what Goals, Objectives, Policies, and Programs are and how they relate to each other.

Response:

In the context of the Local Coastal Plan, Goals, Objectives, Policies, and Programs are defined as:

- **Goals** are general statements desired outcomes that define a future vision for the Sonoma Coast. A goal is broadly written, but specifically enough so that it is possible to assess progress towards achieving the goal. Example goal would be "Create a continuous Coastal Trail that maximizes coastal access"
- **Objectives** are specific measurable strategies necessary to achieve a goal. Example objective to the above goal would be "Identify, prioritize, and develop Coastal Trail sections as described in the Public Access Plan"
- **Policies** provide specific guidance necessary to implement goals and objectives and may require further action such as an ordinance or resolution. Example of a policy that implements the goal and policy above would be "Require construction of California Coastal Trail segments as conditions of approval for coastal development along the trail alignment".
- **Programs** are future projects and/or actions that require further development in order to support the goals and objectives. An example of a program related to the goal and policy above would be "Prepare a long range plan for County Parks that will integrate the Coastal Trail with existing park facilities".

5. Principally Permitted Uses may allow new development without adequate review.

The principally permitted use was not well understood and concerns were raised that designation of a principally permitted use will allow development without review or need for a Coastal Development Permit

Response:



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Under Coastal Act Section 30603(a) and Code of Regulations Section 13577, a single Principally Permitted Use be defined for each land use category in order for the Coastal Commission to certify the Local Coastal Plan land use map.

The Coastal Commission must determine that the Principally Permitted Use within a specific land use category is consistent with the Coastal Act as part of the certification process for the Local Coastal Plan. A Coastal Development Permit is still required for the Principally Permitted Use, but the decision to issue the permit is not appealable to the Coastal Commission.

Regardless of land use designation, no use is considered principally permitted if it is within an Environmentally Sensitive Habitat Area or a major viewshed (as designated in the Open Space and Resource Conservation Element). For example, if a wetland was affected by development of a single family home on a residential parcel, this would not be considered a Principally Permitted Use and approval of the Coastal Development Permit is appealable to the Coastal Commission.

Outside of commercial land use designations, commercial uses that require a Coastal Development Permit are appealable to the Coastal Commission. Specifically, agricultural processing permits on agricultural lands are appealable.

6. Update Coastal Zoning Ordinance concurrently with the Local Coastal Plan

Comments were received that because the Coastal Zoning Ordinance will implement the Local Coastal Plan, the interrelationship creates a need for the public to be able to review both documents concurrently.

Response:

The Local Coastal Plan provides a blueprint for meeting Sonoma County's long-term vision for the future of the Sonoma Coast. The Coastal Zoning Ordinance is the primary tool for implementation of the Local Coastal Plan and the ordinance update process will begin after certification of the Plan.

Both the Local Coastal Plan and Coastal Zoning Ordinance must go through the same legislative process; recommendation to the Board of Supervisors by the Planning Commission, adoption by the Board of Supervisors, and certification by the Coastal Commission. As the Local Coastal Plan goes through this process, it is likely that goals, objectives, and policy will change.

Coastal Commission staff has noted that to maintain consistency between the Local Coastal Plan and the Coastal Zoning Ordinance, most jurisdictions choose to develop the Local Coastal Plan, have the Local Coastal Plan certified by the Coastal Commission and then develop a Coastal Zoning Ordinance to implement goals, objectives, policies, and programs as certified by the Coastal Commission.

7. Public Review Draft relies on outdated science and does not take advantage of local resources such as U.C. Davis Bodega Marine Laboratory.

Response:



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In response to these concerns Permit Sonoma staff has begun review of updated studies and reached out to U.C. Davis Marine Laboratory, who agreed to be a resource for information and provide limited review of natural resource protection policies as their staff time allows.

Development of the Public Review Draft was done in close coordination with Permit Sonoma Natural Resources Section staff including a licensed geologist, registered professional forester, and staff with graduate degrees in natural sciences. These essential staff resources will continue to the review and comment on policy options moving forward.

Many comments did not provide topic areas or identify specific documents that were considered old, outdated, or inaccurate. Where commenters do provide information on potential resources suggestions will be reviewed by staff including Natural Resources staff and evaluated against the applicability to the planning effort and jurisdictional authority.

Mapping of natural resources will be updated using best available information. The Local Coastal Plan is not intended to be a parcel by parcel evaluation of all natural resources in the Coastal Zone, but rather to provide comprehensive policies requiring parcel specific evaluation of resources at the project level to protect resources as part of the permitting process.

8. Environmentally Sensitive Habitat Area mapping is inaccurate and Sanctuary Preservation Areas are not shown on Local Coastal Plan maps.

Response:

Maps that are part of the Local Coastal Plan must be certified by the California Coastal Commission. The certified Environmentally Sensitive Habitat Area maps are a set of large format paper maps, which have been scanned for the Public Review Draft. Because of the condition of these 30-year old maps, the scanning process was not completed before the Public Review Draft was circulated, and the sample maps included with the Public Review Draft did not show Sanctuary Preservation Areas or Conservation Areas.

Permit Sonoma Natural Resources section has been working with the Planning and GIS sections to develop accurate GIS-based mapping of Environmentally Sensitive Habitat Areas that will include the most recent biotic resource data. Both Conservation Areas and Sanctuary Preservation Areas are now shown, and mapping of riparian resources and other Environmentally Sensitive Habitat Areas have been improved. Staff will be working closely with California Department of Fish and Wildlife, U.C. Davis Bodega Marine Laboratory, and Coastal Commission staff to create accurate mapping of natural resources within the Coastal Zone.

9. The Public Review Draft does not provide adequate consideration of climate change and associated impacts on coastal resources.

Response:

The Public Review Draft introduction states adaptation to climate change will require "intelligence to approach and adapt to these changes in our coastal natural, physical, social, and economic environments." These sections specifically address impacts of climate change and sea level rise:



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- Section 2.7 of the Agricultural Resources Element details how climate change will impact agriculture and the need for farming practices to evolve in order to accommodate these changes.
- Open Space and Resource Conservation Element Sections 4.1.2 and 4.1.3 describe how climate change will affect commercial fishing and damage offshore marine protected areas.
- Open Space and Resource Conservation Element Section 8 describes energy policy necessary to reduce carbon emissions through conservation and sustainable decentralized generation of electrical energy.
- Water Resources Element Policy C-WR-14 calls for long term monitoring of climate and precipitation patterns in the Coastal Zone to evaluate impacts climate change will have on water supply and riparian resources.
- Public Safety Element Section 5 establishes a policy framework for sea level rise. These policies are based on findings of the 2017 Sea Level Rise Vulnerability Assessment for the Sonoma Coast.
- Public Safety Element Implementation Program C-PS-10 identifies the need for preparation of a Sea Level Rise Vulnerability and Risk Assessment, and Adaption Plan for the Sonoma County coast based on guidance from the California Coastal Commission's Sea-Level Rise Policy Guidance (2018), the California Ocean Protection Council's Sea-Level Rise Guidance (2018).
- Public Safety Element Implementation Program C-PS-11 will identify coastal land, habitats, vegetation, natural features, and ecological processes that provide increased coastal resiliency to climate change and sea level rise.

10. Wildfire Risk.

Wildfire risk was a topic of discussion at all workshops, and participants expressed frustration at the permitting process for vegetation management.

Response:

Climate change has created a longer fire season, and increasing the potential for larger and more frequent fires in coastal areas where wildfire risk has been considered relatively low compared to inland areas. During the unprecedented 2020 wildfire season, the Meyers Grade fire demonstrated that climate change is creating wildfire hazards in the Coastal Zone much larger than previously anticipated. Comments from workshop participants requested that permitting for vegetation management needs to be streamlined to mitigate this increased fire risk, with some commenters requesting policies for controlled burns in non-commercial forest lands. In addition to policy options that will streamline permitting for vegetation management, Permit Sonoma and Coastal Commission staff are investigating adding some level of vegetation management within developed area to the Sonoma County Exclusion Order, removing the requirement to obtain a Coastal Development Permit

Permit Sonoma staff will develop policy options as part of the Planning Commission Draft of the Local Coastal Plan to streamline vegetation management, reduce development potential in high fire severity areas, and identify managed retreat options for areas where climate change is anticipated to elevate wildfire risk to hazardous levels.



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11. Regulation of pesticides

Comments were received calling for a ban on pesticides in the Coastal Zone. Comments frequently referred to the Malibu Local Coastal Program and Santa Monica Mountains Local Coastal Program as a templates for these regulations.

Response:

California state law prohibits local government from regulating use of pesticides (herbicides, insecticides, rodenticides, and similar substances), but under the Coastal Act, the California Coastal Commission must regulate land use "in a manner which on balance is the most protective of significant coastal resources." (Public Resource Code Section 30007.5). Because a Local Coastal Program is certified by a state agency, it has the authority to certify a Local Coastal Program that restricts pesticide use.

The Santa Monica Mountains Local Coastal Program (both the Land Use Plan and Implementation Plan) has been certified by the Coastal Commission and withstood a legal challenge to the policies regulating agricultural land use and practices. Permit Sonoma staff is evaluating policies in the Santa Monica Local Coastal Program and will develop policy options restricting the use of pesticides as part of the Planning Commission Draft of the Local Coastal Plan.

12. The Public Review Draft lacks policies prohibiting off-shore gas and oil exploration and related on-shore support facilities.

Comments were received that the Public Review Draft policies are inadequate to protect marine protected areas along the Sonoma Coast and the Gulf of the Farallones National Marine Sanctuary from off-shore oil and gas development and production.

Response:

Public Review Draft Land Use Element Section 3.1 establishes policy for on-shore and off-shore oil and gas facilities. Consistent with Sonoma County Code Chapter 31, Policy C-LU-1 requires a Local Coastal Plan amendment for any on-shore support facilities and the amendment must be placed on the ballot and approved by a majority of voters in order to be approved and certified by the Coastal Commission. While unlikely, the Coastal Commission has authority to directly amend the Local Coastal Plan without approval of Sonoma County and allow development of an on shore facility.

No additional policies have been identified that could strengthen the Public Review Draft prohibition of oil and gas development and production that would be enforceable under the County's jurisdiction.

Sonoma County lacks permitting authority seaward of mean high tide. Submerged lands from mean high tide to a distance of 3 nautical miles from the high tide line are controlled by the California State Lands Commission. The Submerged Lands Act of 1953 grants control of submerged lands within the U.S. Exclusive Economic Zone that lie outside of the 3-mile limit to Federal government.



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13. Vacation Rentals

Use of existing single family homes for short term vacation rentals received a range of input at the workshops. While comments were divided between opposition and support of restricting vacation rentals, most commenters supported establishing some level of performance standards for vacation rentals. A portion of comments in opposition to vacation rentals also expressed a need to limit or control tourism in the Coastal Zone.

Response:

Permit Sonoma staff has reached out to the Coastal Commission for input and guidance on vacation rental policy. In response, Coastal Commission staff agreed with comments that unregulated proliferation of vacation rentals may cause loss of housing stock, affect neighborhood character, increase demands on emergency services, and create traffic and parking difficulties. Commission staff also noted that vacation rentals provide public access to the coast and that overly restrictive policies are inconsistent with Chapter 3 of the Coastal Act. Rather than restrictive bans of such uses, the Commission prefers more targeted, responsive regulations of vacation rentals based on uniformly applied performance standards that are based on community and area specific factors.

The Coastal Commission has provided the following list of recently certified Local Coastal Plans and Coastal Zoning Ordinances that regulate vacation rentals consistent with Chapter 3 of the Coastal Act, with the Coastal Commission file number in parenthesis:

City of Carmel-by-the-Sea (LCP-3-CML-20-0006-1)

City of Laguna Beach (LCP-5-LGB-19-0074-1)

City of Oceanside (LCP-6-OCN-19-0108-2)

County of Ventura (LCP-4-VNT-18-0058-1),

City of Pismo Beach (LCP-3-PSB-18-0051-1)

County of Santa Cruz (3-SCO-18-0032-2-Part B)

Permit Sonoma staff will be working closely with Coastal Commission staff to develop policy options for vacation rentals as part of the Planning Commission Draft of the Local Coastal Plan.

14. Affordable Housing / Workforce Housing / Accessory Dwelling Units

Housing was mentioned at all workshops, with the loss of housing stock to vacation rentals being the most common concern. It was noted that employees cannot afford to live in the coast and face long commutes with no option for public transit.

Response:

Visitor-serving commercial development, agricultural production, and coastal-dependent uses, are all, to varying degrees, dependent on the availability of accessible seasonal and year round housing opportunities for persons operating or employed in these industries. Transit service to the Coastal Zone is limited. High coastal property values and the remote nature of the Sonoma



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County Coastal Zone are unique considerations for affordable and workforce housing policies. A final challenge is that the Coastal Act identifies vacation rentals as a way to facilitate more affordable access for families from inland areas of the state and beyond, which gives vacation rentals priority over residential uses.

The Coastal Commission understands the tension between preserving Coastal Act objectives and providing housing that meets the needs of coastal residents, and has been providing guidance to Permit Sonoma staff on developing policy options for coastal housing. The Public Review Draft contains policies that will streamline permitting for accessory dwelling units, protect existing housing stock, and provides developer incentives to develop affordable housing. Additional opportunities for development of affordable housing are being reviewed with Coastal Commission staff and will be included as policy options in the Planning Commission Draft of the Local Coastal Plan.

15. Evaluation of capacity for on-site wastewater treatment (septic) systems.

Comments were received from Timber Cove Homeowners Association and The Sea Ranch Association objecting to language in the Public Review Draft stating limitations for developing on-site wastewater treatment systems on vacant parcels.

Response

Statements regarding challenges associated with construction of on-site wastewater treatment systems has been carried over from the current Local Coastal Plan. Given new treatment technologies and limited ability to accurately evaluate the wide range of soil and groundwater conditions that exist in the Coastal Zone, it is difficult to accurately determine to what extent on-site wastewater treatment systems pose a limitation to future development. Statements regarding constraints on development on a community by community basis will be replaced with a general description of how soil, groundwater, and emerging technologies may influence development throughout the Coastal Zone.

16. The Sea Ranch

The Sea Ranch Association provided extensive comments specific to Public Review Draft background information and policies specific to The Sea Ranch.

Response:

The Sea Ranch Association provided a comprehensive list of errors and incomplete descriptions contained in the Public Review Draft. Descriptive errors will be corrected in the Planning Commission Draft of the Local Coastal Plan.

In addition to technical corrections The Sea Ranch Association provided recommendations to include standards for review of development projects within The Sea Ranch that define roles of The Sea Ranch Association, Sonoma County, and the Coastal Commission in the review process. These recommendations are acknowledged by staff and will be considered as part of implementation through the Coastal Zoning Ordinance, and Implementation Manual.



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The Sea Ranch Association also requested that Farmlands of Local Importance designation be removed from The Sea Ranch because it is unlikely that these lands will be used for agriculture. Farmlands are mapped and classified by the California Department of Conservation, and are not regulated by the Coastal Act. Designation of these area as Farmlands of Local Importance does not affect land use and is based on soil, water, and climate resources.