



## Legislation Details (With Text)

**File #:** 2023-0275

**Type:** Regular Calendar Item **Status:** Agenda Ready

**File created:** 2/23/2023 **In control:** Permit and Resource Management

**On agenda:** 3/14/2023 **Final action:**

**Title:** 1:35 PM -Zoning Code Text Amendments to Prohibit New Retail Fuel Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Retail Fuel Stations (ORD23-0001)

**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. Summary Report, 2. Att 1 ORD23-0001 Ordinance, 3. Att 2 ORD23-0001 Planning Commission Resolution, 4. Att 3 ORD23-0001 Planning Commission Staff Report, 5. Att 4 ORD23-0001 Staff Powerpoint

Date	Ver.	Action By	Action	Result
3/14/2023	1	Board of Supervisors	Approved as amended	Pass

**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Wil Lyons, (707) 565-7388

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

**1:35 PM -Zoning Code Text Amendments to Prohibit New Retail Fuel Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Retail Fuel Stations (ORD23-0001)**

### Recommended Action:

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Supervisors consider and adopt an Ordinance to prohibit new retail fuel station development, and to prohibit the expansion of retail fuel infrastructure for retail fuel stations, while allowing for continued Non Retail Fuel Station development; and find the action exempt from the California Environmental Quality Act.

### Executive Summary:

Planning staff has prepared an ordinance to prohibit the development of new retail gas stations (Fuel Stations) and to prohibit expansion of retail fuel station infrastructure, such as the addition of fuel dispensers or fuel storage capacity to existing retail fuel stations within the unincorporated county. The Sonoma County Regional Climate Protection Agency (RCPA) Board adopted the Sonoma Climate Mobilization Strategy in March 2021. The strategy sets a target of carbon neutrality by 2030 and outlines 13 countywide strategies focused on high impact measures to reduce greenhouse gas emissions and increase carbon sequestration. Transportation produced approximately 60% of Sonoma County's greenhouse gas (GHG) emissions in 2018. To achieve the target of carbon neutrality by 2030, Sonoma County must reduce vehicle miles traveled (VMT) by increasing transit ridership, biking, and walking. Sonoma County must also reduce fossil fuel consumption by replacing fossil-fuel-powered vehicles with electric vehicles.

On March 1, 2021, the City of Petaluma became the first jurisdiction in the country to adopt a ban on new gas stations. The cities of Santa Rosa and Windsor have recently approved fuel station bans, and other incorporated areas are expected to present their bans to their City Councils in the future. The proposed ordinance would align allowed uses in the Zoning Ordinance with RCPA's Sonoma Climate Mobilization Strategy, the County's Strategic Plan, General Plan, and the County's climate goals adopted in the 2018 Climate Resolution.

**Discussion:**

As of 2016, Sonoma County, including incorporated cities, had roughly 158 fuel stations primarily concentrated along major transportation corridors. There are roughly 46 fuel stations in the unincorporated county, with 7 in the Coastal Zone which would continue to meet demand into the future.

The prohibition of new retail fuel stations will be accomplished via updates to Chapter 26 of the Sonoma County Code, these amendments are discussed below.

**Summary of Proposed Zoning Code Changes:**

- Adds definitions for Retail and Non Retail Fuel Stations
- Prohibits new Retail Fuel Stations
- Allows new Non Retail fueling facilities to support fleet and agricultural operations, provided that gasoline and diesel may not be offered for sale.

**Proposed Expansion of Article 94: Nonconforming Uses.**

- Prohibits expansion of existing Retail Fuel Station infrastructure
- Provides standards to allow for upgrades to equipment to address environmental, public health and safety, and technology advancement concerns

The Planning Commission's motion to approve the item included a recommendation to the Board of Supervisors to consider adding language that restricted the ownership of the land to the owner of the business. However, the Planning Commission did not recommend specific language changes and did not opt to include the recommendation in the resolution that it adopted. Should the Board wish to consider this suggestion, it could insert a section 26-26-081(B)(2) stating: "Fossil fuel dispensing equipment must be located on a parcel owned by the operator of the equipment." However, the proposed ordinance already addresses potential "club" businesses designed to avoid the ban, because gasoline and diesel may not be sold under the non-retail fuel station exception.

**General Plan Consistency:**

The proposal is consistent with the General Plan and implements or furthers the following policies and objectives:

**OBJECTIVE CT-1.4:** Reduce the need for future automobile use by a combination of improvements and land development policies that give equal favor to alternate modes as to automobile use.

**GOAL LU-11:** Promote a sustainable future where residents can enjoy a high quality of life for the long term, including a clean and beautiful environment and a balance of employment, housing, infrastructure, and services.

**Policy LU-11a:** Encourage reduction in greenhouse gas emissions, including alternatives to use of gas-powered vehicles. Such alternatives include public transit, alternatively fueled vehicles, bicycle and pedestrian routes, and bicycle and pedestrian friendly development design.

**Policy LU-11b:** Encourage all types of development and land uses to use alternative renewable energy sources and meaningful energy conservation measures.

**Policy LU-11c:** Encourage the use of alternatives to harmful chemicals, heavy metals, and synthetic compounds.

**Policy LU-11j:** Support efforts and partnerships with agencies, organizations and other jurisdictions that improve technology for reducing dependence on nonrenewable resources, harmful chemicals, and manufactured substances that accumulate in nature, and activities that harm life sustaining ecosystems.

**Objective OSRC-14.4:** Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2015.

**Policy OSRC-14c:** Continue to purchase and utilize hybrid, electric, or other alternative fuel vehicles for the County vehicle fleet; and encourage County residents and businesses to do the same.

**Policy OSRC-14g (3):** Collaboration with local, regional, and State agencies and other community groups to identify effective greenhouse gas reduction policies and programs in compliance with new State and Federal standards.

**Objective OSRC-16.1:** Minimize air pollution and greenhouse gas emissions.

### **California Environmental Quality Act.**

The project is exempt from the California Environmental Quality Act under § 15307 and § 15308 of the CEQA Guidelines because this constitutes an action taken by a regulatory agency to protect natural resources and the environment; and CEQA Guidelines § 15061(b)(3), because there is no possibility that the Ordinance might have a significant effect on the environment.

### **Strategic Plan:**

N/A

### **Prior Board Actions:**

On May 08, 2018, the Board of Supervisors adopted Climate Action Resolution #18-0166 which adopted goals of:

- Increase renewable energy use
- Switch equipment from fossil fuel to electricity
- Encourage a shift toward low-carbon fuels in vehicles and equipment
- Promote healthy, safe communities
- Promote a sustainable, climate-resilient economy

**FISCAL SUMMARY**

NA

**Narrative Explanation of Fiscal Impacts:**

NA

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment 1: Ordinance

Attachment 2: Planning Commission Resolution

Attachment 3: Planning Commission Staff Report

Attachment 4: Staff PowerPoint

**Related Items "On File" with the Clerk of the Board:**

None