



Legislation Text

File #: 2023-0819, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Claudette Diaz, Planner III (707) 565-7387
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Sonoma County Local Coastal Plan Update (PLP13-0014)

Recommended Action:

Hold a public hearing, consider policy options prepared by staff, accept or reject policy alternatives and technical corrections, adopt a resolution adopting the Local Coastal Plan as revised and directing the Permit and Resource Management Department to transmit the plan to the California Coastal Commission as an amendment to the Adopted Local Coastal Program for their review and certification, and find the project exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15265.

Executive Summary:

The California Coastal Act requires local governments in the Coastal Zone to either prepare a Local Coastal Program or to formally ask the California Coastal Commission to do so. To preserve local control, Sonoma County has prepared a Local Coastal Program. The Local Coastal Program must regulate land use and protect coastal resources consistent with the Coastal Act. The Coastal Commission must certify that the Local Coastal Program complies with the Coastal Act. In Sonoma County, the Local Coastal Program consists of three components: Local Coastal Plan, Coastal Zoning Ordinance, and Coastal Administrative Manual.

The Sonoma County Local Coastal Plan update began in 2013 and has involved extensive public outreach, research, and publication of multiple drafts.

On June 5, 2023, the *July 2023 Board of Supervisors Draft Local Coastal Plan* was published, incorporating previous direction and additional policy alternatives into the Planning Commission Recommended Draft for the decision of the Board of Supervisors at the July 17, 2023, scheduled hearing.

The Planning Commission opened the public hearing for the Local Coastal Plan on July 26, 2021, and concluded the hearing on June 29, 2022, recommending a draft of the Local Coastal Plan for adoption by the Board of Supervisors. The Board of Supervisors considered the Planning Commission recommendation at their October 4, 2022, hearing and directed Permit Sonoma staff to return with policy options that address issues raised at the hearing.

During the April 4th, 2023, hearing, the Board provided staff direction on policy options and technical corrections, and requested staff to conduct additional targeting public outreach relating to:

- Agricultural fencing
- Public access to the Estero Americano

- Fire fuel management and
- Preservation of non-commercial forest and woodlands.

Since the April 4th hearing staff has attended stakeholder meetings and worked with subject matter experts to refine and clarify policy language to present to the Board of Supervisors at the July 17th hearing date.

After the Board of Supervisors adopts the Plan, and the California Coastal Commission certifies it, Permit Sonoma will begin implementation of the Plan by updating the Implementation Plan, which consists of the Chapter 26C of the County Code (Coastal Zoning Ordinance), and Coastal Administrative Manual. These updates will be to ensure consistency with the new Local Coastal Plan and to implement policies and programs with a greater level of detail. The Implementation Plan update will also go through additional public outreach and the same adoption process: Planning Commission hearing(s) and recommendation, Board of Supervisors adoption, and Coastal Commission certification.

Discussion:

Background:

General Plan 2020 adopted Land Use Program 1 as part of the 2008 General Plan update. The Land Use Program 1 identifies a need to update the Local Coastal Plan to improve integration and consistency with the General Plan while assuring that the Local Coastal Plan remains consistent with and carries out the policies of the California Coastal Act. The Local Coastal Plan is intended to be consistent with the General Plan, but where policy areas overlap, the policy which on balance is the most protective of coastal resources takes precedence. The California Coastal Act declares that 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 considering 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; and,
- 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.

In September of 2019, the *2019 Public Review Draft* was published and presented to the public in a series of 12 public workshops, ending with a Board of Supervisors workshop session on May 25, 2021. At the July 26, 2021, public hearing the Planning Commission determined that given the scope of the plan and significant public interest, the hearing would require multiple meetings to consider the *Revised Public Review Draft 2021* on an element-by-element basis.

The Planning Commission review was held on the following dates:

- October 7, 2021: Review noise policy, establish hearing schedule
- November 10, 2021: Public Safety and Public Facilities Elements
- December 9, 2021: Agricultural Resources, Water Resources, and Circulation & Transit Elements

- January 13, 2022: Cultural Resources and Land Use Elements
- February 3, 2022: Land Use continued and Open Space & Resource Conservation Elements
- March 3, 2022: Open Space & Resource Conservation (continued) and Public Access Elements
- March 28, 2022: Review of Coastal Commission recommendations and direction for preparing revised draft.
- June 29, 2022: Final review and recommendation to the Board of Supervisors

On August 30, 2022, the Board of Supervisors held a public workshop to provide direction to staff and provide an opportunity for public input on the Planning Commission Recommended Local Coastal Plan.

On October 4, 2022, the Board of Supervisors began consideration of the Planning Commission Recommended Local Coastal Plan. During that review, the Board identified a need to consider options to the policies recommended by the Planning Commission and directed Permit Sonoma staff to return with discussion papers on each topic and provide recommendations on various options that were identified. In addition to the Board requested topics, several other topics were included in the April 4th Policy Option Papers based on public input provided by the Coastal Municipal Advisory Council and a stakeholder meeting hosted by the 5th District in Bodega Bay. Following the October 4th hearing, staff prepared 10 discussion papers to provide policy options for the Board of Supervisors’ consideration during their April 4th hearing on the topics outlined in the table below. The table summarizes the direction that staff received from the Board of Supervisors on October 4th, 2022, and the subsequent direction provided on April 4, 2023

Discussion Topics	October 4 th BOS Direction	April 4 th BOS Direction
Agricultural Fencing	<ul style="list-style-type: none"> • Clarify what is an “agricultural operation” • Provide policy options for agricultural fencing necessary to support existing agricultural enterprise. 	<ul style="list-style-type: none"> • Replace “agricultural enterprise” with “agricultural operations” consistent with the Right-to-Farm Ordinance. • Draft policy language to better support agricultural operations.
Support for the U.C. Davis Bodega Marine Laboratory (BML)	<ul style="list-style-type: none"> • Draft policy language to streamline permitting for BML research on lands outside of the main campus and require restoration of the site after research is concluded. 	The Board of Supervisors supported staff’s recommendation to allow and streamline future research opportunities for the BML. <i>No additional policy options are provided in the July 2023 Policy Option Papers.</i>
Expanded opportunities for new campgrounds	<ul style="list-style-type: none"> • Identify campgrounds as an important source of affordable lodging for visitors. • Allow for campgrounds where it will not interfere with the principally permitted use. 	The Board of Supervisors supported staff’s recommendation to encourage development of campgrounds and add “campground” to the glossary. <i>No additional policy options are provided in the July 2023 Policy Option Papers.</i>

Public access to the Estero Americano	<ul style="list-style-type: none"> • Provide options to remove future access locations and replace with policies to support development of public accessways. 	<ul style="list-style-type: none"> • Provide symbology options for the Public Access Map figures.
Fire fuel management	<ul style="list-style-type: none"> • Provide new programs to streamline fire fuel management and provide guidelines for property owners. 	<ul style="list-style-type: none"> • Collaborate with subject matter experts to draft to draft up clearer policy language for fire fuel management policies.
Preservation of non-commercial forest and woodlands	<ul style="list-style-type: none"> • Clarify definition of “forest” and “woodland”. • Add policies to include references to woodlands, forests, and forest soils. 	<ul style="list-style-type: none"> • Collaborate with subject matter experts to draft up clearer policy language for the preservation of non-commercial forests and woodlands.
On-shore facilities related to off-shore wind energy or seabed mining	<ul style="list-style-type: none"> • Provide new policies to prohibit on-shore facilities related to off-shore wind energy or seabed mining. • Add new restrictions to on-shore facilities related to off-shore wind energy or seabed mining. 	<p>The Board of Supervisors supported the Planning Commission Recommendation, and staff’s recommendation to add two new policies to prohibit facilities which support development or operation of off-shore energy production facilities and off-shore mining. <i>No additional policy options are provided in the July 2023 Policy Option Papers.</i></p>
Reintroduction of Sea Otters to the Sonoma Coast	<ul style="list-style-type: none"> • Provide new programs identifying opportunities for Sea Otter reintroduction. • Add policies to collaborate with the Tribes, agencies, and interest groups to reintroduce Sea Otters to Sonoma Coast. • Add stronger policy language to protect kelp beds. 	<p>The Board of Supervisors supported staff’s recommendation to include new policies and programs to identify opportunities for sea otter reintroduction; to add new policies to collaborate with the Tribes, agencies, and interest groups, to reintroduce sea otters to the Sonoma Coast; and, to add stronger policies to protect kelp beds. <i>No additional policy options are provided in the July 2023 Policy Option Papers.</i></p>
Site-specific policies for visitor serving development	<ul style="list-style-type: none"> • Provide analysis of development history for affected parcels with policies. 	<p>The Board of Supervisors supported staff’s recommendation to remove all parcel specific policies.</p>

Subdivision of agricultural lands to support small family farms	<ul style="list-style-type: none">• Provide analysis of existing agricultural parcels, parcel size, and density.	The Board of Supervisors supported staff’s recommendation to maintain recommended density for Land Extensive Agriculture and Diverse Agriculture land uses. <i>No additional policy options are provided in the July 2023 Policy Option Papers.</i>
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Technical corrections were included in the April 4th discussion papers and supported by the Board of Supervisors.

At the April 4, 2023, Board of Supervisors public hearing, the Board directed staff to return with discussion papers on Agricultural Uses, Public Access, Fire Fuel Management, and Forest and Woodlands. Since the April 4th public hearing, additional public comment on site-specific policies was received and therefore this topic was included in the discussion papers.

Sonoma County’s Agricultural Commissioner recommended staff review language for pesticide regulation and supported the proposed alternative language to improve consistency at implementation.

The July 2023 BOS Draft of the Local Coastal Plan Update incorporates the April 4, 2023, direction. A detailed discussion on each policy for which additional options were requested can be found in Attachment 5 Local Coastal Plan Policy Option Papers July 2023. Each policy option paper further details the changes below and provides a staff recommendation along with a discussion of the previous direction and additional options related to the associated topic.

An overview of the topics include in the Policy Option Papers is outlined below:

a) Agricultural Uses

- Proposes removal of “Agricultural Enterprise” and replacement with “Agricultural Operation” for consistency with the County’s Right-to-Farm Ordinance per Board Direction.
- Proposes policy options to improve clarity and further support agricultural uses including:
 - Revisions to the Land Use Element Land Use and Zoning Tables regarding principally permitted uses and allowable residential density.
 - Revisions to the Land Use Element Section 2.3 Resource Tables to expand principally permitted uses.
 - Alternatives for Policy C-OSRC-1d, Policy C-OSRC-4d, Policy C-OSRC-4I that address agricultural fencing and uses within mapped sanctuary preservation and conservation areas.

b) Public Access

- Provides options to remove access/trailhead points on Sub Area 10 Estero Americano, Figure C-PA-1k, Public Access Map for Sub Area 10.
- Relocates access points and trailhead points for access to public roads and public access points on Public Access Maps, Figures C-PA-1a through -1k.
- Proposes revisions to map legends and notes to better highlight the differences between proposed and existing public access. Additionally, the informational tables further identifying

each point have been revised to identify special circumstances of an access point, including restrictions on use.

- Introduces policies in support of public access in the Public Access Element.
 - Policy C-PA-1l, Policy C-PA-1m
- Provides options to revise Policy C-PA-1b.

c) Fire Fuel Management

- Provides new policy and program options in the Public Safety Element to streamline defensible space work including:
 - Policy C-PS-5J and Policy C-PS-5k
 - Program C-OSRC-11-P1 and Program C-PS-5-P1

d) Preservation of non-commercial forest and woodlands

- Provides new policies and revisions to existing policies to allow for forest management.
 - Revisions to Policy C-OSRC-7o
 - New options for Policy C-OSRC-11g, Policy C-OSRC-11h

e) Site-specific policies

- Provides options to continue, remove, or modify a number of site-specific policies, including policies that address existing commercial and visitor serving uses.

f) Pesticide Regulation

- Revises policy language pertaining to herbicide regulation. Additional options related to Pesticides were not specifically directed by the Board of Supervisors at the April 4, 2023, hearing however, staff was directed to work with the Agricultural Commissioner in development of policy language, at which time staff was provided additional comments on the previous Planning Commission recommended policy.

In addition to the Policy Option Papers a general discussion paper on the July 2023 Board of Supervisors Draft was developed to introduce the draft and to help readers navigate changes from the Planning Commission Recommended Draft (on file with the Clerk of the Board). The July 2023 BOS Draft Local Coastal Plan includes policy options, including alternative policy and programs, which are represented in line with the proposed policy numbers. Where multiple alternatives are available for the same policy, the policy number is followed by (Alt #). Should the adopted Policy be the (Alt #), the recommended action would include striking the parenthetical alternative reference upon adoption. Parenthetical citations used in previous drafts to identify the origin or revisions to policies which have been tentatively accepted have been deleted for the 2023 BOS Draft however a new parenthetical citation (2023 Policy Option) has been included to help identify new content from the 2022 Planning Commission Recommended Draft.

Finally, an Errata Memo (Attachment 2) provides a list of corrections for errors identified in the public draft of the July 2023 BOS Draft Local Coastal Plan which have been discovered since the Draft was published on June 5, 2023. An example of these corrections include revising the Public Access Map series, specifically Figure C-PA-1b table to match the current status of the access point/trailhead as described in Appendix B: Public Access Plan.

Staff Recommendation: Hold a public hearing, consider policy options prepared by staff, accept or reject policy alternatives and technical corrections, adopt the Local Coastal Plan as revised, and find the project exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15265

Strategic Plan:

The Local Coastal Plan update supports, Goal 5 Objective 1 of the Climate Action and Resiliency Pillar because the LCP contains policies that protect natural resources, infrastructure, and development from the impacts of sea level rise.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

N/A

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Att 1: PLP13-0014 Resolution
- Att 2: PLP13-0014 Errata Memo and Corrections to July 2023 BOS LCP
- Att 3: PLP13-0014 July 2023 BOS LCP Clean Combined
- Att 4: PLP13-0014 July 2023 BOS LCP Track Changes
- Att 4a LCP Introduction July 2023 BOS
- Att 4b Land Use July 2023 BOS
- Att 4c Agricultural Resources July 2023 BOS
- Att 4d Open Space Resource Conservation July 2023 BOS
- Att 4e Public Access July 2023 BOS
- Att 4f Water Resources July 2023 BOS
- Att 4g Public Safety July 2023 BOS
- Att 4h Circulation and Transit July 2023 BOS
- Att 4i Public Facilities and Services July 2023 BOS
- Att 4j Cultural Resources July 2023 BOS
- Att 4k Glossary July 2023 BOS
- Att 4l Appendices A through M
- Att 4m Figure C-AR-1 Agricultural Resource Map Series
- Att 4n Figure C-CT-1 Circulation Map Series
- Att 4o Figure C-LU-1 Land Use Map Series
- Att 4p Figure C-OSRC-1 Scenic Resource Map Series
- Att 4q Figure C-OSRC-2 Environmentally Sensitive Habitat Map Series
- Att 4r Figure C-PA-1 Public Access Map Series
- Att 4s Figure C-PF-1 Facilities School Map Series
- Att 4t Figure C-PF-2 Facilities Fire Map Series
- Att 4u Figure C-PS-1 Geologic Hazards Map Series

Att 4v Figure C-PS-2 Slope Instability Hazards Map Series
Att 4w Figure C-PS-3 Flood Hazard Map Series
Att 4x Figure C-PS-4 Coastal Exposure Map Series
Att 4y Figure C-PS-5 Role of Natural Habitat Map Series
Att 4z Figure C-PS-6 Wildland Fire Map Series
Att 4aa Figure C-WR-1 Watershed Map Series
Att 4ab Figure C-WR-2 Groundwater Map Series
Att 5 PLP13-0014 Local Coastal Plan Policy Option Papers July 2023
Att 6 PLP13-0014 Board of Supervisors Summary Report April 4, 2023
Att 6 Exhibit 1a PLP13-0014 Local Coastal Plan Policy Option Papers from April 4, 2023
Att 6 Exhibit 1b PLP13-0014 Planning Commission Hearing Minutes July 26, 2021 through June 29, 2022
Att 6 Exhibit 1c PLP13-0014 Planning Commission Staff Reports and Memos
Att 6 Exhibit 1d PLP13-0014 Public comments and responses provided to the Planning Commission at the June 29, 2022 meeting
Att 6 Exhibit 1e PLP13-0014 California Coastal Commission Comments and Element Markups
Att 6 Exhibit 1f PLP13-0014 PC Reso Local Coastal Plan 2022-06-29
Att 6 Exhibit 1g PLP13-0014 Regional Parks technical correction memo
Att 6 Exhibit 1h PLP13-0014 Sonoma Coast MAC Comment Letter dated November 9 2022
Att 7 PLP13-0014 Board of Supervisors Summary Report October 4, 2022
Att 8 PLP13-0014 Public Comment provided October 4, 2022, through April 4, 2023
Att 9 PLP13-0014 Public Comment provided April 5, 2023, through June 5, 2023
Att 10 PLP13-0014 Public comment provided June 6, 2023, through July 7, 2023
Att 11 PLP13-0014 Staff PowerPoint

Related Items “On File” with the Clerk of the Board:

Additional public comments provided to the Planning Commission and Board of Supervisors
Planning Commission Recommend LCP July 2022
2001 Sonoma County Local Coastal Plan