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Prepared July 29, 2016 for August 11, 2016 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, North Central Coast District Manager
Stephanie Rexing, North Central Coast District Supervisor
Subject: County of Sonoma LCP Amendment Number LCP-2-SON-15-0025-1 Part A
(Coastal Zoning Database)

SUMMARY OF STAFF RECOMMENDATION

Sonoma County proposes to amend the Implementation Plan (IP) portion of its certified LCP in order to name maps contained in the Official Zoning Database, the official certified zoning maps of the County. The proposed amendment would also make the Official Zoning Database, its notations, references, data and other information shown therein, or by progressive amendment to the database, a part of the certified IP.

Policies in the Sonoma County LCP require that the mapping system visualize the application of base zoning to parcels contained within Sonoma County and requires that base zoning be implemented and consistent with Land Use designations. The digital format of this Official Zoning Database makes the database itself and information contained within widely available in an accurate, easily understood format. However, the amendments as proposed by the County would require the certification of the entire digital database. Rather than undertake that arduous effort, County and Commission Staffs agreed the true intent of the proposed amendments proposed by the County was to make the digital database a visualization tool of the already certified hard copy maps of the County's LCP. With suggested modifications to name the Database as a tool that supplements the certified maps, as proposed in this staff recommendation, the proposed amendments will remain consistent with the requirement of the LCP that the zoning maps apply and implement base zoning, while remaining consistent with Land Use designations. With these suggested modifications, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

Therefore, staff recommends that the Commission deny the proposed LCP amendment as submitted, and approve it only if modified as suggested below. There are two motions and actions necessary to effect that recommendation, and they begin on page 3 of this report.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 16, 2016. The proposed amendment includes IP changes only, and the original 60-day action deadline is August 15, 2016. Thus, unless the Commission extends the action deadline (it may extend the deadline by up to one year), the Commission has until August 15, 2016 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed Sonoma County Code Amendment

Exhibit 2: Board of Supervisors Ordinance 5740

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment only as modified. The Commission needs to take two votes on the proposed amendment in order to act on this recommendation.

A. Reject the IP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in rejection of the IP amendment and the adoption of the following resolution and findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion (1 of 2):** I move that the Commission reject Implementation Plan Amendment LCP-2-SON-15-0025-1 Part A as submitted by the County of Sonoma, and I recommend a yes vote.*

***Resolution (1 of 2):** The Commission hereby denies certification of the Implementation Plan Amendment Number LCP-2-SON-15-0025-1 Part A as submitted by the County of Sonoma and adopts the findings set forth below on the grounds that, as submitted, the Implementation Plan Amendment does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.*

B. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the IP amendment with suggested modifications and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

***Motion (2 of 2):** I move that the Commission certify Implementation Plan Amendment LCP-2-SON-15-0025-1 Part A if it is modified as suggested in this staff report, and I recommend a yes vote.*

***Resolution (2 of 2):** The Commission hereby certifies Implementation Plan Amendment LCP-2-SON-15-0025-1 Part A for the County of Sonoma Local Coastal Program, if modified as suggested, and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with suggested modifications conforms with and is adequate to carry out the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which is necessary to make the requisite Coastal Act and LUP consistency findings. If the County of Sonoma accepts the suggested modifications within six months of Commission action (i.e., by February 11, 2017), by formal resolution of the Board of Supervisors, and submits that acceptance to the Commission, the modified LCP amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text that the County proposes to delete and text in underline format denotes text that the County proposes to add. Text in ~~double-cross-out~~ format denotes text to be deleted through the Commission's suggested modifications and text in double underline format denotes text to be added through the Commission's suggested modifications.

- 1. Modify Proposed Amendment to Section Sec 26C-9 "Establishment of districts generally" as follows:** The districts indicated ~~above~~ in Section 26C-7 and 26C-8, are hereby established or may be established by progressive amendments to this chapter. The designations, locations and boundaries thereof are set forth and indicated on Zoning Maps and in the Official Zoning Database. Such maps, as represented by the Official Zoning Database, and all notations, references, data and other information shown there~~in~~ are hereby made a part of this chapter, ~~or may be made a part of this chapter~~ by the progressive amendment thereto.
- 2. Modify Proposed Amendment to Section 26C-11 as follows. Sec. 26C-11. Zoning maps Maps and Official Zoning Database.**
Zoning Maps and the Official Zoning maps Database shall consist of ~~an series of maps~~ series of maps and an electronic database which shall ~~show~~ contain the zoning ~~plans,~~ being parts of this ordinance data for properties under provisions of Section 26C-9, and both shall be available at the Sonoma County Permit and Resource Management Department.

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Sonoma County is proposing to amend its IP Sections 26C-9 and 26C-11 in the chapters addressing the establishment of zoning districts and zoning maps ("Establishment of Districts Generally" and "Zoning Maps," respectively) in order to establish a digital database as the official zoning database for the County of Sonoma. The purpose of this amendment is to establish the Official Zoning Database as a tool for implementing the LCP. The proposed amendment would amend the "Establishment of Districts Generally" section to indicate all districts and their designations, locations and boundaries thereof are set forth in the Official Zoning Database and would make the Zoning Database a part of Chapter 26C. Please see **Exhibit 1** for the full text of the proposed amendments and **Exhibit 2** for the Board of Supervisors Ordinances approving the amendment.

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the IP components of the Sonoma County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

Applicable Land Use Plan Policies

The County's LUP states that the County uses a mapping system to apply base zoning districts and further contains a discussion of how those base zones are applied and implemented and requires that the Land Use and Zoning Maps must be consistent with each other.

LUP Page 5, Mapping System:

A system of ten subarea base maps at a scale of one inch equals 1000 feet (1:12,000) was used to map detailed land use, environmental, shoreline access, and recreation information.

LUP Page 43, Zoning Guidelines:

Base zoning districts will be applied during the implementation phase of the Local Coastal Program in a manner that promotes the resource recommendations, consistent with the Land Use and Resource Plan and the County General Plan...

LUP Page 182, Description of Land Use:

The Land Use section of the Coastal Plan formulates development policies that, together with the Land Use Plan maps, indicate the type, location, and intensity of land uses permitted in the Coastal Zone.

LUP Page 182, Land Use Categories:

The Land Use Plan contains fourteen land use categories which are used on the Policy maps. Figure VII-12 is a matrix that designates which General Plan/Coastal Plan/Coastal Zoning Districts are consistent with one another.

Analysis

The proposed IP amendment would name the maps contained in the Official Zoning Database as the official certified zoning maps. The database provides digital versions of the certified maps and contains zoning data for properties in Sonoma County zoned as the various zoning designations Sonoma County has named. The proposed amendment would also make the Official Zoning Database, its notations, reference data and other information shown therein, or by progressive amendment to the chapter/database, a part of the certified IP. Please see **Exhibit 1** for full text of the proposed amendment.

Insofar as the LCP requires that the mapping system visualize the application of base zoning to parcels contained within Sonoma County and requires that base zoning be implemented and be consistent with Land Use designations, the Official Zoning Database is a helpful and widely accessible tool. The digital format of this database makes the Zoning Database widely available and presents complicated zoning information in an easily understood format. However, the

amendments as proposed by the County would require the certification of the entire digital database as part of the County LCP and effectively delete the zoning maps as part of the IP. To submit the database as part of the IP, the County would have to print out a hard copy of each visual in the Database and submit that hard copy for LCP consistency review, which would then require certification by the Coastal Commission. (See Cal. Code of Regs., tit. 14, §§ 13542(a), 13519(b), 13552(b).) Rather than undertake that arduous effort, County Staff and Commission Staff agreed the true intent of the proposed County amendments was to make the digital database a visualization tool of the already certified hard copy maps contained in the LCP. Therefore, in order for the proposed amendments to remain consistent with the requirement of the LCP that the zoning maps apply and implement base zoning, while remaining consistent with Land Use designation, **Suggested Modifications #1 and #2** clarify that the Official Zoning Database is a tool to visualize and disseminate the certified zoning maps information. With these suggested modifications, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment.

Sonoma County, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and concludes that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Sec. 26C-9. Establishment of districts generally.

The districts indicated ~~above~~ in Section 26C-7 and 26C-8, are hereby established or may be established by progressive amendments to this chapter. The designations, locations and boundaries thereof are set forth and indicated ~~on zoning maps~~ in the Official Zoning Database. Such ~~maps~~ Database, and all notations, references, data and other information shown there~~in~~ are hereby made a part of this chapter, ~~or may be made a part of this chapter~~ by the progressive amendment thereto.

Sec. 26C-11. Official Zoning maps Database.

The Official Zoning maps Database shall consist of ~~an series of maps~~ an electronic database which shall ~~show contain the zoning plans, being parts of this ordinance~~ data for properties under provisions of Section 26C-9, and shall be available at the Sonoma County Permit and Resource Management Department.

ORDINANCE NO. 5740

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26C OF THE SONOMA COUNTY CODE TO ESTABLISH THE OFFICIAL ZONING DATABASE AND TO REVISE THE NAME OF THE OFFICIAL ZONING MAPS OF THE COUNTY OF SONOMA.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION 1. Chapter 26C of the Sonoma County Code is amended as follows:

(a) Section 26C-9 [Establishment of Districts Generally] is amended as follows:

Section 26C-9. Establishment of Districts Generally.

The districts indicated in Section 26C-7 and 26C-8 are hereby established or may be established by progressive amendments to this chapter. The designations, locations, and boundaries thereof are set forth and indicated in the Official Zoning Database. Such Database, and all notations, references, data, and other information shown therein are hereby made a part of this chapter by the progressive amendment thereto.

(b) Section 26C-11 [Zoning Maps] is amended as follows:

Section 26C-11. Official Zoning Database.

The Official Zoning Database shall consist of an electronic database which shall contain zoning data for properties under provisions of Section 26C-9, and shall be available at the Sonoma County Permit and Resource Management Department.

SECTION II. The designations, locations, and boundaries of the districts indicated in Sections 26C-9 are amended as shown in the Official Zoning database established in Section 26C-11 as of the effective date of this ordinance. Copies of this Database are and will be retained on file in the Permit and Resource Management Department.

SECTION III. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV. This ordinance shall be and the same is hereby declared to be in full force and effect from and after 30 after the date of its passage.

SECTION V. This ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 12th day of June, 2007, on regular roll call of the members of said Board by the following vote:

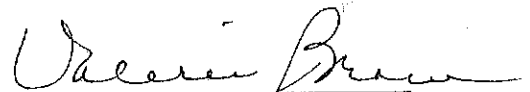
SUPERVISORS:

Kerns: aye Smith: aye Kelley: absent Reilly: aye Brown: aye

Ayes: 4 Noes: Absent: 1 Abstain:

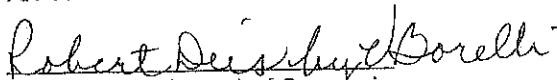
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.



Chair, Board of Supervisors
County of Sonoma

ATTEST:



Clerk of the Board of Supervisors