

## CALIFORNIA COASTAL COMMISSION

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# Th8a

LCP Amendment Number LCP-2-SON-**23**-0058-2 (Sonoma  
County Land Use Plan Update)

November 14, 2024

CORRESPONDENCE



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## **U.S. and E MAIL**

02 October 2024

Dr. Caryl Hart, Chairperson  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

## **RE: SONOMA COUNTY LOCAL COASTAL PLAN**

Dear Dr. Hart:

Please accept this letter as an expression of disappointment with the continuance to an uncertain date for consideration of the Local Coastal Plan and a request for a February 2025 hearing on the matter at Bodega Head in Sonoma County.

Our community, advisory groups, Planning Commission, and Board of Supervisors have invested over eight years and significant resources in this effort. We celebrated the Board's adoption acknowledging the broad network of support for the LCP, including Coastal Commission staff. We are grateful for it.

Bodega Head marks the origin of coastal activism with the advocacy of the California Coastal Alliance, culminating in the 1972 approval of Proposition 20, led by our friend Bill Kortum. What better place than the "Hole-in-the Head" to adopt an update to Sonoma County's LCP!

Permit Sonoma staff volunteers to work with the UC Davis Marine Lab to make its conference room a celebratory space for the Commission's meeting. I'm sure the activists who made the Act a reality will join us.

The marine lab also serves as a harbinger of climate change and adaptation with its research on sea level rise, kelp and otter restoration, shellfish propagation, and many other endeavors.

Thank you for your consideration of this request. If you have any questions or concerns, please contact me at [tennis.wick@sonoma-county.org](mailto:tennis.wick@sonoma-county.org) or 707-799-7726.

Forward!

Tennis Wick, AICP  
Director

cc: Hon. Lynda Hopkins, Sonoma County Supervisor, Fifth District  
Beth Bruzzone, Chairperson, Coastal Municipal Advisory Committee  
Scott Orr, Assistant Director  
Cecily Condon, Division Manager  
Gary Helfrich, Planner Emeritus

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**Re: QQ Re: Sonoma County LUP Update**

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**From** Rue <rmf@sonic.net>

**Date** Thu 10/31/2024 12:03 PM

**To** Henningsen, Luke@Coastal <luke.henningsen@coastal.ca.gov>; Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>

 1 attachments (444 KB)

CCC In line Comments + Addnl (6).pdf;

Good morning,

I have queried the organizations that have submitted comments on the proposed Sonoma County Local Coastal Plan asking if they would want to be listed. Each of them have participated in varying degrees. They provided input that they included in the spread sheet provided to you months ago. (see again below)

All of these organizations have made suggestions for change reflecting concerns based on expertise and experience. They do not always feel that all input has been rewarded, but everyone has been engaged. Some organizations want or need to poll their Boards again, so those names may come in too late. There is sometimes concern that if their name is listed - it implies that they approve of the county's submittal - which in many instances is not the case. There are still grave concerns - and often support for CCC staff's positions / The Coastal Act is likely over the submittal.

CAFF, Sonoma County Chapter (Community Alliance with Family Farmers)

CNPS (California Native Plant Society Milo Baker Chapter)

Forest Unlimited

Friends of Jenner Creek, Committee of Jenner Community Center

Madrone Audubon Society

NAACP Santa Rosa - Sonoma County Branch

NOW (Neighbors of West County)

RRWPC (Russian River Watershed Protection Committee)

Save the Sonoma Coast (SOS)

Two commenters wanted me to emphasize concerns because something has come up that elevated their perspective:

1) CAFF, representing small farms, has experienced situations where small, locally owned farms are often at a disadvantage and they are sensitive to specific language that might be misinterpreted or applied in ways that may not support small farms:

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. **All camping on agriculturally zoned land in the Coastal zone shall be limited to "low-impact camping" as defined by SB620.**

Policy C-LU-5f:

Allow campgrounds, subject to a coastal development permit, in all agricultural, resource, and commercial land use categories where campgrounds will not interfere with the principally permitted use, are compatible with surrounding land uses, and will not have a significant adverse impact on coastal natural resources.

**All camping on agriculturally zoned land in the Coastal zone shall be limited to "low-impact camping" as defined by SB620.**

2) Election season has drawn attention by several Sonoma County coastal residents to a change that does not seem to fit with realities in function:

Sereno Del Mar should not be in the "State Beach/Bodega Bay Area, SubArea 9. It should be put in SubArea 8 - Pacific View/Willow Creek. This may seem like a minor thing but it is important that Sereno Del Mar remain in SubArea 9 as the regulations for these areas are quite different. We share our water company with Carmet for one thing and Sereno Del Mar has always had it own regulations for building in our CC&Rs; quite different from those of Pacific View/Willow Creek. Sereno must stay a part of Bodega Bay. We pay our taxes there, we vote there, we get our mail there, we pay Shoreline School District taxes, and more. In reality this is a legal issue that has to be looked at.

Other issues remain; many of the Elements include policies inconsistent with the Coastal Act, or are vague enough that over the life of the CUP could be interpreted in a way that leads to a continuing degradation of the fragile, rugged, mostly rural Sonoma coast. We note that protections in the CEPA continue to emphasize entire habitat areas ... more in keeping with a watershed model than a streamside approach. From reduced protections to inadequate limits on increasing impacts - the Coastal Zone in Sonoma County is at risk.

Thank you for your time, and your dedication to the coast.

From Sonoma County - birthplace of the Coastal Act.

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**Fw: Sonoma County's Local Coastal Plan feedback & photos**

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**From** Henningsen, Luke@Coastal <luke.henningsen@coastal.ca.gov>

**Date** Wed 10/23/2024 1:07 PM

**To** Henningsen, Luke@Coastal <luke.henningsen@coastal.ca.gov>

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**From:** Rue <[rmf@sonic.net](mailto:rmf@sonic.net)>

**Sent:** Monday, April 29, 2024 8:44 AM

**To:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>; Henningsen, Luke@Coastal <[luke.henningsen@coastal.ca.gov](mailto:luke.henningsen@coastal.ca.gov)>; Luster, Tom@Coastal <[Tom.Luster@coastal.ca.gov](mailto:Tom.Luster@coastal.ca.gov)>

**Cc:** Huckelbridge, Kate@Coastal <[Kate.Huckelbridge@coastal.ca.gov](mailto:Kate.Huckelbridge@coastal.ca.gov)>; SonCo\_LCP.Update2020 <[sonco\\_lcpupdate2020@googlegroups.com](mailto:sonco_lcpupdate2020@googlegroups.com)>

**Subject:** Sonoma County's Local Coastal Plan feedback & photos

Good morning,

Thank you very much for your continuing dedication to the California coast, and your commitment to protections many of us value. For many years I was honored, and very often delighted with the friendship and camaraderie of Peter Douglas - who still reminds us that the coast is always being saved.

Sonoma County particularly appreciates your time and attention to the details of our Local Coastal Plan. People and organizations across Sonoma County and beyond have supported coastal protections for Sonoma County due to the unique features, rugged character and stunning beauty of our coastal areas. A knowledgeable group with diverse expertise has worked diligently to inform a spreadsheet based on your "in line" comments to Sonoma County's initial Local Coastal Plan (LCP) submittal. The spreadsheet is populated with input from these volunteer coastal advocates. I added the most recent responses from Permit Sonoma (PS), with some additional comments regarding those replies. When the column space is blank - it was felt there was nothing more to add. I have attempted to make the spreadsheet relatively easy to review, including use of some color changes. The spreadsheet is attached below.

Please do not hesitate to be in touch if you have questions or comments.

It needs to be acknowledged that staff of Permit Sonoma (which was the Permit and Resource Management Department over a decade ago when this LCP update began) functions under the direction of the Board of Supervisors. Following the year the County Planning Commission spent carefully going through the Draft LCP each Element at a time. Review has been thorough. Permit Sonoma staff has experienced the additional challenges of a long succession of planners because of the length of time the update has taken - including various interruptions such as the pandemic.

As mentioned at the Bodega Marine Lab reception and thereafter - a meeting with you to go over our priorities and to learn ways we can best support you would be appreciated. I can set up a Zoom meeting in order to make the process easier, if that would help. I don't believe a date has yet been set for Sonoma County's LCP hearing before the California Coastal Commission. If we can meet with you well in advance of the hearing date, we can better prepare.

With thanks to Gail and Ray, this link will take you to some interesting and inspiring photos of the Sonoma County Coastal Zone from decades ago:

[https://drive.google.com/drive/folders/1UJTXJOj5eiAX6C\\_6pSb5UPyYDEWbHziW?usp=sharing](https://drive.google.com/drive/folders/1UJTXJOj5eiAX6C_6pSb5UPyYDEWbHziW?usp=sharing)

Thanks again for all your work and enthusiasm for protecting our shared coastal areas.

From the birthplace of the Coastal Act,  
Rue Furch

NOTE: "SonCo\_Comments" BLUE FONT = PUBLIC COMMENTS

CCC In line Comments						
1. Introduction						
2. Land Use Element						
Page	Policy Number	Original Comment	New Comment	SonCo_Comments.1	BoS Adopted Draft, PS Response	SonCo_Comments.2
2	Table C-LU-1	<p>Consider folding this diagram into a policy regarding priority and non priority uses. For reference a sample policy from the HMB LCP includes: 2-3. Priority Land Uses. Define priority land uses and support development of such land uses throughout the City by the following categories:</p> <p>a. Coastal Act Priority Uses: Coastal-dependent uses, agricultural uses, visitor serving commercial uses, and coastal access and recreational facilities. Coastal Act Priority Uses are considered top tier priority in this LCP; and furthermore, as consistent with Coastal Act Section 30222, coastal dependent industry and agriculture take precedence over all other uses including visitor-serving commercial recreation facilities.</p> <p>b. Local Priority Uses: Affordable dwelling units for extremely low, very low, and low-income households. Local Priority Uses are considered second tier priority behind Coastal Act Priority Uses in this LCP</p>	<p>Water dependent coastal recreation is coastal dependent recreation. It's unclear here what the difference is between water dependent recreation and coastal recreation. Please provide a definition of coastal dependent recreation vs. water dependent recreation Visitor serving recreation should not be a lower priority than local priority uses. Staff is still unsure what is the practical effect of ranking these priorities, as there seems to be no specific policies associated with table. What is the ultimate purpose of this table?</p>	<p>Approximately 90% of the Sonoma County Coastal Zone has been identified as a Class 4 Water Availability Area. There should be no intensification of any uses without scientific proof of water availability, including no impacts on existing uses. rmf</p>	<p>The BOS adopted LCP glossary defines Coastal Dependent Development or Use as "Any development or use which requires a site on, or adjacent to, the sea to be able to function at all". If additional clarification is needed the visitor-serving commercial recreation item could be changed to "non-coastal or non-water dependent visitor-serving commercial..." to clarify that those coastal or water dependent visitor-serving uses remain a higher priority over other visitor-serving uses.</p>	<p>There are two types of "water dependent" recreation which are not clarified: coastal (ocean) and "water" which could be rivers or streams. Priority should be clarified for visitor vs local, in that Tribal and local uses are often overlooked.</p>

16		New comment	As part of the general land use policies consider including a policy that supports Coastal Act Policy 30250		The land use designations as shown in Figures C-LU-1a through C-LU-1k in the BOS adopted LCP Land Use Element limits residential and commercial uses to existing developed areas, consistent with Coastal Act Section 30250(a). Industrial uses are limited to the commercial harbor area of Bodega Bay, and must provide services that support commercial fishing or other coastal-dependent industries. Table C-LU-1 is an update of a table in the current LCP and is familiar to the public and staff.	Does this address the request to including a policy that supports Coastal Act Policy 30250?
18	Table C-LU-3: Open Space Land Use Designation	The inclusion of Planned Community Zoning in Open Space Land Use Designation may be a concern here in terms of impacts to coastal resources. Please provide reasoning as to why this would not impact open space.	Please provide an explanation as to why the planned community zoning district is associated with both recreation and open space. Open space particularly seems incompatible with a planned community. Please include one more column in this figure that says what Principally Permitted Use is for each row.	Planned Communities increase water use, traffic and intensify impacts in general. Should occur in Urban Residential zoning areas where planning can accommodate and/or constrain impacts. rmf	Planned Community Zoning is a combining district associated with residential development projects with a Precise Development Plan (See BOS adopted LCP Land Use sections 2.2 and 2.3) This Zoning is applied to Dedicated Open Space land use at The Sea Ranch and to Recreational Land Use in developed recreational amenities such as the golf course at Bodega Harbour.	Since this Zoning is applied to Dedicated Open Space land use at The Sea Ranch and to Recreational Land Use in developed recreational amenities such as the golf course at Bodega Harbour, please specify the uses in the column.
18	Table C-LU-3: Commercial Tourist Zoning District	Recreation is missing in the commercial tourist zoning district, please provide an explanation as to why it was removed or include it here.		Please provide an explanation as to why "Commerical Tourist" zone has been added when Visitor Serving or Commercial are more compatible with Coastal Act. Why has the County created a Commercial Tourist zone designation when these areas also primarily serve local residents. CH	The Recreation Land Use is reserved for RRD Zoning, which allows for resource related and passive recreation, and for the PC Zoning district, which is limited to Planned Development communities shared spaces. Commercial Tourist recreational uses are high intensity that may be inconsistent with resource protection policies of RRD zoned parcels, and incompatible comparable with low intensity common area uses allowed by Planned Community Zoning or associated Precise Development Plan.	
18	Table C-LU-3: Commercial Services	Marine Industrial is missing here, please provide an explanation as to why it was removed or include it here	Please make sure that all of these zoning districts match the new maps that are produced. There are still several zoning districts that are in the maps that are missing here		Marine Industrial was a draft land use designation that was incorporated into the Commercial Fishing land use. The Glossary, Land Use Maps and Policy C-OSRC- 9a will be corrected to refer to Commercial Fishing, not Marine Industrial. The Gloassary will be updated to include a definition of Commercial Fishing.	Please provide the definitions, and the updated maps before submittal

18	Table C-LU-3: Public Facilities	Please include "Visitor Serving" facilities here as well	See original comment		Lands designated Public Facilities are owned and operated by a city, county, special district, federal agency, or state for the primary purpose of providing an essential public service, including public safety, administrative services and the production, generation, transmission, collection, and storage of water, waste, or energy. While public parks and similar non-commercial visitor-serving uses are allowed in Public Facilities land use. Commercial Visitor serving uses are inconsistent with the purpose of this land use and not included.	"Public parks and similar visitor serving uses are allowed in Public Facility uses" Please specify standards and/or when visitor serving uses are consistent.
18	Table C-LU-3: Urban Residential	Please explain the purpose behind including Planned Community in Urban Residential instead of being in its own land use designation as it has been previously.	See original comment	Planned Community should be permitted only where there is adequate infrastructure, including water, roads and other higher density impacts. In UR rather than RR if not its own designation. As stated (Page LU-27) Rural Residential is "to provide for very low-density residential development on lands which have few if any public services." rmf	See response above for the first response on Table C-LU-3 regarding Planned Community.	Planned Community should be permitted only where there is adequate infrastructure, including water, roads and other higher density impacts. In UR rather than RR if not its own designation. As stated (Page LU-27) Rural Residential is "to provide for very low-density residential development on lands which have few if any public services." rmf
19	Land Extensive Agriculture: Other Residential Uses	Please include this below as its own policy.	See original comment		Format for this land use is identical to all other land use tables, which have a separate row identifying "Other Residential Uses". Residential Uses and standards will be further defined by the Implementation Plan (Chapter 26C Coastal Zoning Code).	Implementation planning is done without external review making clear and verifiable policies necessary. rf
20	Diverse Agriculture	Please provide an explanation as to why agricultural employee units and farm family dwellings do not count towards density.	See original comment	Impacts from multiple housing units should be analyzed and addressed. Loss of farmland to increased density - no matter the designation should be avoided. rmf	Agricultural employee units are necessary to support larger agricultural uses, and this policy incentivizes farmers to provide on-site worker housing. The Coastal Zoning Code, Implementation Plan, further defines the thresholds for qualifying agricultural uses needed to support the housing request. Each Agricultural Resource table also identifies that in no case shall residential units exceed four	Farm family housing should be allowed whenever feasible - multiple housing units still have impacts that should be considered, especially given limited resources (ie water availability). Do the farm family dwellings count toward RHNA requirements? Consistent application of standards should apply.

31	4f	If this ordinance will be administered through the LCP, it should exist in the body of the LCP, such as in an appendix.	See original comment		The Sonoma County Mobile Home Rent Stabilization Ordinance is not administered through the Local Coastal Program, but is referenced in the LCP for consistency with the Sonoma County General Plan Housing Element.	
32	4g		Please remove the section that states "not part of any use on the same parcel that is subject to transient occupancy tax." While ADU's can be protected from STR use, a STR and an ADU should not be mutually exclusive		The certified Sonoma County Coastal Zoning Ordinance Section 26C-325.1. prohibits transient occupancy of Accessory Dwelling Units. Junior Accessory Dwelling Units are not allowed at this time by the Coastal Zoning code. This policy was amended as follows to clarify that the ADU or JADU cannot be subject to any use requiring TOT but it does not impact other detached structures on the parcel. "Policy C-LU-4g: Accessory Dwelling Units, Junior Accessory Dwelling Units, and structures containing a Junior Accessory Dwelling Unit, or structures with an attached Accessory Dwelling Unit shall not be used as a vacation rental or any other use that is subject to transient occupancy tax."	
32	4h	Please include these details in the "Urban Residential" category overview above.	See original comment In addition, there needs to be a note that there will be a housing density ordinance passed in the future to effectuate this policy, such as through a program		A housing density ordinance will be included in the implementation phase of the Local Coastal Program to update the existing Sec. 26C-326. - Affordable housing; requirements for long-term affordability and design and construction section of code. As the code section already exists a specific program was not identified.	Implementation planning is done without external review making clear and verifiable policies necessary.
33	4l	Please explain how it is possible to have multiple single family dwelling units in a lot if you can't split it? It may be helpful to walk us through an example here.	Please include what the subdivision criteria are here, this policy is confusing without more context	Describe how clustering will accomplish single lots for SFD and how Lot Line Adjustments are allowed - or not. rmf	In some cases, protection of coastal resources would limit development to a small portion of the lot, and the resulting subdivision could not meet standards for minimum lot size, setbacks, access, etc. This policy allows compact clustered development in order to maximize protection of coastal resources.	Clustering to protect coastal resources is certainly desirable. "In some cases" the subdivision would not meet standards for lot sizes. Specify when clustering protects against lot splits. Describe how clustering will accomplish single lots for SFD and how Lot Line Adjustments are allowed - or not.

33	4u	This should be in the Public Works chapter. Make sure allocations are outlined, making sure Coastal Act priority uses are prioritized.	See original comment	<del>Encourage</del> Require service providers to retain adequate sewer and water service. rmf	Policy reference is from a previous version of the LCP. This policy (C-LU-4t) will be enforced concurrently with the public services policies associated with water and wastewater systems, but it is primarily a housing policy to retain opportunities for extremely low, very low, low-income households, and accessory dwelling units.	<del>Encourage</del> Require service providers to retain adequate sewer and water service.
33	4o	This policy should match state housing law on prohibiting displacement consistent with Policy 6042. "Replacement Housing Prior to Displacement; Notices to Displaced Persons"	See original comment		References to California Coastal Act Policy Section 30604 (f)-(g) in introduction of 4. Affordable Housing section references the importance of encouraging the protection of existing affordable housing. The policy on Condominium Conversion (C-LU-4q) is to mirror and give new reference point to the Housing Element Policy currently referenced in the County Coastal Zoning Code. The new LCP will effectively replace the General Plan Housing Element within the Coastal Zone, making it essential to maintain a policy for Condominium Conversion Use Permit Standards as part of the LCP.	
33	4q	Please explain the reasoning behind including these policies. Generally, the level of detail provided here is not common to have in a LCP, and may not be supported by the Coastal Act Please reference the law being cited here, as well as please make clear where you're drawing these housing rankings from.	See original comment		See response to Policy C-LU-4q above.	Please reference the law being cited here, as well as please make clear where you're drawing these housing rankings from.
34	4s	Please include this policy: Policy C-LU-5dd: Encourage development of employer provided or subsidized affordable housing for employees. (Existing LCP)	See original comment		The BOS Adopted LCP Land Use Element has changed this to Initiative C-LU-4-11 and retained the language of Policy C-LU-5dd.	

37	5b	Where is this limited to? Link this to relevant Sonoma zoning.	Please simplify this and make it more specific, and please ensure that urban service areas and rural community boundary are defined, so that it is clear where exactly visitor serving commercial development would be limited.		BOS adopted LCP Policy C-LU-5b states: "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 farm stays)." Urban Service Areas are shown on the Land Use Maps, and Policy C-LU-6j identifies Rural Communities in the Coastal Zone.	
38	5h	Please define what modest scale expansion might mean in this instance.	Please define what limited scale expansion might mean in this instance.	Define "modest scale overnight accommodations" also for Policy C-LU-5e rmf	The BOS adopted LCP Land Use Element Policies C-LU-5g through C-LU-5u provide guidance for implementation of area specific policies, which will establish specific development standards.	Define "modest scale overnight accommodations" also for Policy C-LU-5e. Implementation planning is done without external review making clear and verifiable policies necessary.
38	5k	Please define what modest scale expansion might mean in this instance	Please define what limited scale expansion might mean in this instance.		The BOS adopted LCP Land Use Element Policies C-LU-5g through C-LU-5u provide guidance for implementation of area specific policies, which will establish specific development standards.	Define "modest scale overnight accommodations" also for Policy C-LU-5e. Implementation planning is done without external review making clear and verifiable policies necessary.
41	6b	Please be more specific here about what may or may not require a LCP amendment.	Please state here that a density bonus program needs to be certified.		BOS adopted LCP Land Use Element Policy C-LU-6b refers to the Coastal Zoning Ordinance, which will be updated as part of implementation. As part of the Sonoma County Local Coastal Program, certification of any Local Coastal Program amendment is a mandatory legal requirement.	Implementation planning is done without external review making clear and verifiable policies necessary.
41	6m	Consider moving this to the Public Facilities and Services chapter.	Please include the Bane bill in the appendix of this chapter		The Bane Bill (AB 2706) added Section 30610.6 to the Public Resources Code, which can be found in the Land Use Element "Relationship to the California Coastal Act" section. Provisions of Section 30610.6 relate specifically to residential development rather than development of public facilities and services.	
<b>3. Agricultural Resources.</b>						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment	BoS Adopted Draft, PS Response	SonCo_Comments.2
5	Farmland in the Coastal Zone		This definition needs to match the definition in Coastal Act Regulations.		The complete text of Coastal Act sections including the relevant definitions 30241, 30241.5, and 30242 are included in the BOS adopted LCP Agricultural Resources Element.	"Farmland" is not defined in the Glossary, which might provide clarity.

6	<p>Farmland in the Coastal Zone "In the coastal zone, there is none of this highest rated land"</p>		<p>Agricultural land here should be defined as prime and non-prime agricultural land.</p>	<p>"Grazing land" which makes up approximately 50% of the coastal lands has not been defined as either prime or non-prime ag land. Only "farmland of local importance (4% of land) has been defined (as "non prime agricultural land.") Per LCP Update Guidelines, Section 5. Agricultural Resources dated July 2013, "Prime agriculture" is defined The definition of "Prime Agricultural Land" in the Coastal Act (§30113) references the first four elements of the definition in Government Code (Williamson Act) §51201 (c) "Prime agricultural land" means any of the following:</p> <ul style="list-style-type: none"> <li>(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.</li> <li>(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.</li> <li>(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.</li> <li>(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops.</li> </ul> <p>Therefore if Sonoma County grazing land fits this definition it should also be defined as "Prime". bk</p>	<p>Because of climate, soil, and geology, no lands in the Sonoma Coastal Zone meet Coastal Act or Department of Conservation definitions of prime farmland or farmland of statewide importance. Additionally, parcels used as farmland are large and with only a portion of the farm or ranch within the Coastal Zone. The Agricultural Resources Element uses "Grazing Land" and "Farmland of Local Importance" to maintain consistency with terminology in the Sonoma County General Plan and Department of Conservation definitions.</p>	<p>From the Glossary: "Farmland of Local Importance: Farmland other than Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. This land may be important to the local economy due to its productivity or value, as defined by the Board of Supervisors." For the definition/use, please see LCP Update Guidelines, Section 5, Agricultural Resources dated July 2013, "Prime agriculture" is defined The definition of "Prime Agricultural Land" in the Coastal Act (§30113) references the first four elements of the definition in Government Code (Williamson Act) §51201 (c) "Prime agricultural land" means any of the following:</p> <ul style="list-style-type: none"> <li>(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.</li> <li>(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.</li> <li>(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.</li> <li>(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops.</li> </ul>
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7	Objective 1.1		<p>...Unless allowed on a case by case basis" Reference the policy that states when conversion is allowed here.</p>	<p>1) Policy C-AR-1a now states "Shall be consistent with CCA which requires that (b) Ag conversion shall be limited and evaluated on a case-by-case basis." There are no specific criteria spelled out for conversions, the LCP language is very high level. Ideally specific criteria should be drafted for all parties to review and comment on. bk  2) Objectives C-AR-1.3 and C-AR-1.5 have wording "limit", instead of "prohibit". Limit would indicated there are opportunities to circumvent the intentions. bk</p>	<p>The BOS adopted LCP Agricultural Element Objective C-AR-1.1 does not provide exceptions to avoiding conversion of agricultural lands, and is intended to be more protective of agricultural land than the Coastal Act requires. The comment appears to refer to an older version of the Local Coastal Plan during review by the Sonoma County Planning Commission.</p>	<p>Please use "prohibit" vs "limit" to clarify intent.</p>
7	Objective 1.6	<p>Please be more specific on how commercial is being defined here, as agriculture is not necessarily tied to commercial production.</p>	<p>See original comment. Why does this need to be explicitly commercial? What about small, non-commercial operations?</p>	<p>Objective C-AR.1.6 states "Apply the Land Extensive Ag and Diverse Ag land use categories only to areas or parcels capable of the commercial production..." The CC comment is valid, as the goal of the LCP is to protect ag land period, so the standard shouldn't be if "commercially" viable. Most likely many ag operations (grazing of animals) isn't the highest economic return on the land but that isn't the goal or intention of the CCA. bk</p>	<p>Objective C-AR-3.1 was written to be consistent with the definition of an agricultural enterprise as defined in the County's existing Right-to-Farm ordinance. The Coastal Zoning Code, certified Implementation Plan, defines Agricultural Enterprise as an operation of a property owner/operator that derives their primary and principal income from the production of agricultural commodities for commercial purposes, including but not limited to the following: growing of crops or horticultural commodities; breeding and raising of livestock, poultry, bees, furbearing animals, horses; agricultural processing; and preparation of commodities for market. An agricultural enterprise excludes boarding of horses, forestry and lumbering operations, and commercial transportation of prepared products to market.</p>	<p>The goal of the LCP is to protect ag land, so the standard should not be limited to "commercially" viable.</p>
7	1a		<p>Please explain why this section was removed here: "C. land divisions 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."</p>	<p>Not in latest LCP draft but should be included with wording consistent with CCC "Section 30250 Location; existing development area". bk</p>	<p>Objective C-AR-1.6 specifically applies to the Land Extensive Agriculture and Diverse Agriculture land use categories, and specifies that parcels be "capable of the commercial production of food, fiber, and plant material; or the raising and maintaining of farm animals." Staff would be in support of a recommendation changing this to "Agricultural Operation" consistent with Right to Farm Ordinance and input from the Sonoma County Farm Bureau.</p>	<p>CAFF should also be consulted for small operations' input. Requirements to limit divisions should be incorporated where "clustering" is included.</p>

8	1d	Is it the intent of the county to avoid agricultural land conversion completely? If not, please include a policy that states when conversion would be ok, including how it would occur and what mitigation would be associated with the conversion. HMB 2020 certified LCP policy on mitigation for conversion of agricultural lands:	Conversion should be prohibited in most cases, not just for allowing increased residential density. Please expand this to track Coastal Act Policy 30242 which prohibits conversion except under specific circumstances.	CCC position makes sense: Wording should be changed to prohibit conversions, not just in the case of increased housing density. Policy C-AR-1d prohibits changing the land use map from ag to non-ag use categories for the purpose of allowing increased residential density. This policy should be expanded to not allow reclassifications for any reason. bk	Policy C-AR-1d prohibits increasing residential density in all agricultural land uses without exception. This policy supports local goals for preservation of agriculture and is more restrictive than Coastal Act Section 30242. Section 30242 is included in the BOS adopted LCP Agricultural Resources Element introduction.	Wording should be changed to prohibit conversions, not just in the case of increased housing density. Policy C-AR-1d prohibits changing the land use map from ag to non-ag use categories for the purpose of allowing increased residential density. This policy should be expanded to not allow reclassifications for any reason
8	Table C-AR-2	There needs to be restrictions on the size and type of agricultural worker housing and how it applies to density. Language from the Marin County Certified LUP, C-AG-5b states:	There needs to be more information on these terms, including how do they differ, where are they allowed, and what density is allowed?	We believe CCC meant to reference: Table C-AR-1b. Note #2 should be removed completely. It seems to exempt everything (not just Ag worker housing) from density restrictions. There should be no exemptions, the policy should cover all scenarios. bk	Policy C-AR-2 identifies agricultural uses and support uses allowed and permit thresholds and do not include policies for farm working housing. Goals, Objectives, and Policies for farmworker housing are found in Section 3 of the BOS adopted LCP Agricultural Resources Element. These policies (C-AR-3a through C-AR-3c) provide guidance for implementation of area specific policies, which will establish specific development standards for farmworker housing. Development standards are further defined in the certified Local Coastal Programs Implementation Plan (Coastal Zoning Code)	Since the LCP Implementation Plan (Coastal Zoning Code) will be updated subsequent to LCP adoption - specific clarification should be included in LCP policies.
9	1j	Does the County intend to have any specific policies regarding the Williamson Act? The Marin County LCP has a policy regarding the Williamson Act and agricultural worker housing shown here, below:	Please instead of citing the outside document "Uniform Rules for Agricultural Preserves and Farmland Security Zones", list the compatible uses here.	CCC request is reasonable. This would remove all misinterpretation. bk	The Sonoma County Board of Supervisors did not adopt any policies specific to the Williamson Act for the Local Coastal Program as this program deals with legal contracts and not land use related permitting. The "Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones" govern Williamson Act (Land Conservation Contracts) implementation countywide and are generally more restrictive than the base zoning district on allowed uses.	

9	1k	Please provide an explanation here as to why minimum parcel size for prime lands would be smaller than for non-prime lands. It seems like it would be preferred to not allow prime land subdivided to smaller sections than non prime lands. Are there prime lands in the Sonoma Coastal Zone? There should be a discussion of Prime and Non-prime agricultural lands and how they apply to Sonoma in this document. Prime lands should be indicated on maps if they are used here.	Please instead of citing the outside document "Uniform Rules for Agricultural Preserves and Farmland Security Zones", list the compatible uses here.	CCC request might or might not make sense Parcel size for "prime" land might be irrelevant as the goal is to protect "prime" lands regardless of size. "Non-prime" land might require more land size to be productive and viable. bk	Compliance with the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zone is a legal requirement of all Williamson Act contracts, regardless of provisions found in the Local Coastal Program. Development associated with the agricultural or open space uses related to a contract are still subject to the Local Coastal Program as would normally be applied to the project.	The county has the authority to further limit restrictions. Specifically stating compatible uses and other restrictions would be useful for future permitting and to applicants.
11	Agricultural Support Uses	This term needs to be defined in the glossary. While the glossary defines Agricultural Support Services, it does not define Agricultural Support Uses, or Agricultural uses. If "agricultural support uses" is the same as one of the defined terms, please use that term instead of this variation on the term. Generally, when a policy depends on specific words or phrases and definitions, they need to be included in the glossary, used in the form defined in that glossary, and reviewed for Coastal Act consistency.	Please define the term "agricultural visitor serving uses" and apply consistently	1) "Agricultural Processing" and "Agricultural Services" should not be open to the public. 2) " <del>Agricultural Visitor-Serving Uses / Ag-tourism</del> "— farmstays can become the next vacation rental loophole and need to be prohibited. 3) "Special events are also limited to commercial areas" - No special events should be allowed that don't directly support and enhance agricultural activities-production. Specific language should define the terms, the activities, approvals needed around all special events. bk Bill ... we need to talk about 2) rmf	Agricultural Visitor-Serving Uses (Agricultural Tourism) is defined on Page AR-11 of the BOS adopted LCP Agricultural Resources Element as "any visitor-serving uses on agricultural land that supports and enhances agricultural activity. Examples of these uses are farm stays, farmstands, and retail sales of products grown onsite."	The Glossary should be consistent with Page AR-11, and used consistently - also with "agricultural visitor serving uses" From the Glossary: "Agricultural Tourism: An activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or participate in agricultural activities such as farming, processing of agricultural products, ranching or similar natural activities and attractions that are directly related to the production of food or fiber."
14	2c(6)		...and rural character	CCC recommendation makes good sense. Also Policy C-AR-2c: areas should not be open to the public and does not include visitor service areas. bk	This policy protects residential development, and applied to both rural and urban. The Coastal Act does not specifically mention rural character, but Sections 30253(e) requires development to "protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses." This section is identified in the BOS adopted LCP Land Use, Circulation and Transit, and Public Facilities Elements.	From the Glossary: "Rural: Areas where land use is primarily agricultural, parkland, or low density residential that are not intended for relatively high intensity urban land use." Please define and apply "rural character"

14	3a	There needs to be a policy that provides more detail on what is allowable in farmworker housing/agricultural dwelling units.	-Please define Agricultural worker housing -Do other development standards apply besides density?	Agree with CCC comments and recommendations. Clean definition of Ag worker housing, along with the requirements and limitations, need to be specified so the true impacts can be determined and commented on. bk <i>Housing should be scaled to family or "worker" use to avoid conversion to tourism uses. rmf</i>	BOS adopted Local Coastal Plan policy C-AR-3a provides appropriate detail for the planning document. Specific standards are certified in the current certified Coastal Zoning Code and will be considered during update of the Coastal Zoning Ordinance (Implementation Plan).	Since the LCP Implementation Plan (Coastal Zoning Code) will be updated subsequent to LCP adoption - specific clarification should be included in LCP policies. Housing should be <i>scaled</i> to family or "worker" use to avoid conversion to tourism uses.
<b>4. Open Space Resource Conservation</b>						
<b>Page</b>	<b>Policy Number</b>	<b>Original Comment</b>	<b>New Comment</b>	<b>SonCo_ Additional Comment</b>	<b>BoS Adopted Draft, PS Response</b>	<b>SonCo_ Comments.2</b>
18	4c	The Habitat Development Guidelines described in Appendix E-3 should be stated as policies within the body of this document and not in the appendix	Please include the key elements of the Habitat Development guidelines into this policy.	Agree! Recommendation: Add a link or actual language for Habitat Development Guidelines in the Appendices. Add to this Policy as a last sentence: "As part of the environmental review process, refer permit applications near streams to the California Department of Fish and Wildlife and other Agencies responsible for natural resource protection, including NOAA/NMFS. LM	The Elements in the Sonoma County Local Coastal Plan generally do not reintegrate specific standards and policies found in the appendices. This stylistic choice reduces possible misinterpretation of the appendices by directing the reader to the appropriate appendix rather than paraphrasing information contained in the referenced document. These guidelines will ultimately be moved into the Administrative Manual for ease of use and access by the public and staff with certification of the Implementation and Plan and future technical updates for references to the location.	Implementation planning is done without external review making clear and verifiable policies necessary. Add to this Policy as a last sentence: "As part of the environmental review process, refer permit applications near streams to the California Department of Fish and Wildlife and other Agencies responsible for natural resource protection, including NOAA/NMFS.
19	4g	Please include specific guidelines regarding what biological productivity and quality are going to be restored to, eg., how the LCP will set baselines.	See original comment. In addition please fix the labeling as there are two policies labeled as 4g.		Details added to address CCC Concerns. Policy regarding the preservation of Chinook and Coho Salmon Habitat was moved to the Open Space and Resource Conservation Element under Policy C-OSRC-4h, because the OSRC element includes polices on resource conservation. Policy C-OSRC-4i: Maintain and restore the biological productivity and the quality of coastal waters, streams, wetlands, ponds, and estuaries in order to maintain optimum populations of marine organisms and to protect human health.	Policy C-OSRC-4i: Restore and maintain the biological productivity and the quality of coastal waters, streams, wetlands, ponds, and estuaries in order to <del>maintain</del> <i>achieve</i> optimum populations of marine organisms and to protect human health.

21	5a	This seems unnecessarily vague, should mention here that the Coastal Commission's definition of wetlands is a single-parameter definition that requires evidence of only one of three wetland indicators (hydrophytic vegetation, hydric soils, or saturated substrate), while the US army corps of engineers requires all three. In addition, you could mention that since the LCP adheres to the coastal act, it follows the single-parameter definition.	Please make it clear here that only one of these parameters are needed to define a wetland.	Agree! LM	The LCP adheres to the Coastal Act and follows the single-parameter definition of wetlands, which is described in Section 5 of the OSRC Element and Appendix E: Natural Resources.	Please include the statement that the LCP adheres to the coastal act, following the single-parameter definition.
	5d	Please include policies listing the permitted uses in buffer zones for each habitat, including ESHA.	This policy as written allows for development within buffers if a study allows it. No development except for resource dependent uses should be allowed for buffers, and buffers should only be reduced under specific circumstances.	Agree! LM	Policy C-OSRC-5d is specific to wetlands, not all categories of ESHA. Additional guidance for all buffers, including wetlands will be developed during implementation as part of an updated Coastal Administrative Manual. Policy C-OSRC-5d prohibits reduction of wetland buffers except where the proposed development will have no potential for an adverse impact on the wetland.	Implementation planning and the Administrative Manual are done without external review making clear and verifiable policies necessary.
			Please include the key features of Appendix E-3 in the body of this element		The OSRC Element references Appendix E: Natural Resources throughout the element.	The request is to include key features in the body of the Element which would be useful for staff and applicants in the future.

22	5e	Habitat Protection Guidelines referenced here should be included as specific policies within this chapter, not in the appendix.	Please include the key features of Appendix E-5 in the body of this element	Add to Appendix E: "Protection of current and potential future ESHA and wildlife corridors shall be prioritized in assessing the impact of all anthropogenic noise sources and vibrations, including Unmanned Aircraft Systems (drones)." (See State Parks District Superintendent Order 651-20-002) LM	This policy is not intended to allow development within a buffer, only reduction of the buffer boundary provided that the reduced boundary will not reduce protection of the resource. Permit Sonoma staff would support changes in this policy to clarify that it applies to reducing buffer area, not to development within the buffer. Policy C-OSRC-4c: Allowable uses and development within any streamside conservation area or Riparian Corridor shall be evaluated consistent with the Habitat Development Guidelines criteria. Construction, operation, and maintenance, or development shall not result in any significant, long-term adverse impacts on the functions and values of the riparian habitat.	"Construction, operation, and maintenance, or development shall not result in any significant, long-term adverse impacts on the functions and values of the riparian habitat." lacks standards or definitions necessary for permitting and/or enforcement.
22	5e		The sentence "The more specific permissible use provisions of this policy shall control over the more general use provisions for other types of ESHA identified in Subsection 8. "Environmentally Sensitive Habitat Areas"." Should be a stand alone policy, as the more protective/specific policies should always apply.		Style and organization comment that does not appear related to consistency with the Coastal Act.	
23	5i	Mitigation and restoration policies should be included in the body of this chapter, not in Appendix E-5.3	Please provide an explanation on how mitigation banks would be used in this case. Are there existing banks with comparable habitat in Sonoma. Please edit "If no appropriate restoration site is available" to there is no feasible on-site restoration available"	OSRC Page 26, Policy OSRC-6e: Recommendation: Change Policy language to: "Disturbance of marine mammal haul-out grounds or approach closer than 150 feet year-round (minimum buffer recommended by the Marine Mammal Center) shall be posted as prohibited, with appropriate fines and clear boundary markers. Recreational activities outside the actual buffer areas shall be limited to non-disturbing forms of recreation, such as quiet observation, walking, etc, with all dogs on leash. LM	Mitigation ratios are included in Policies C-OSRC 5i, C-OSRC-7o; C-OSRC-8h, C- OSRC-7o. Appendix E Section 1 describes restoration and monitoring requirements.	Prioritize mitigation "banks" to be adjacent to or in like sites to impacted area.
29	7b	Please reference what buffers/policies are being referenced here	See original comment		Policy C-OSRC-7b requires buffers around all sensitive biological resources. These buffers will be established during implementation and periodically updated to evolve with new data and science.	Implementation planning is done without external review making clear and verifiable policies necessary, including criteria for adaptation and mapping updates.

32	7r-7u		<p>Please insure that these policies establishes buffers for sensitive bird species as such: no less 300 feet for passerine, 500 for raptor, and 600 for heron</p>	<p>In 2001, Bodega Bay was designated in 2001 as an Important Bird Area (IBA) by the American Bird Conservancy, one of 500 Globally Important Bird Areas. LM</p> <p>Add "habitat corridors" to list of biological resources. LM</p>	<p>Change Implemented see Policy C-OSRC-8e: Establish buffers around ESHA to protect it from development impacts. ESHA buffers shall be developed in accordance with Appendix E-3. All buffers around ESHA shall be a minimum of 100 feet in width; a lesser width may be approved by the County as addressed in Subsection 8. "Environmentally Sensitive Habitat Areas" and Appendix E-3. Generally, a 600-foot buffer is required for heron rookeries; a 500-foot buffer for occupied raptor nests; a 300-foot buffer for any occupied burrow of a burrowing owl. However, these buffers may be reduced, to a minimum of 100ft, in consultation with resource agencies and with the recommended mitigation and monitoring for impacts. Only developments consistent with Subsection 8. "Environmentally Sensitive Habitat Areas" shall be allowed in ESHA buffers. Buffers shall take into account reasonably foreseeable effects of sea level rise and climate change.</p>	<p>Appendix E-3. includes latitude: 7. REVISION OF MAPPED ENVIRONMENTALLY SENSITIVE HABITAT AREAS Riparian areas refer <i>only to riparian vegetation</i>. The geographical extent of a riparian habitat would be where riparian vegetation comprises at least 50% of the ground (shade) cover. Other habitats may be defined from Coastal Plan definitions. ... Where, during the course of review of a project, Coastal staff discovers an unmapped environmentally sensitive habitat area, staff shall utilize Coastal Plan habitat definitions and coastal Commission guidelines (for wet environmentally sensitive habitat areas), to define such area. Applicable Coastal Program restrictions would then apply.</p>
35	8e	<p>Policy C-OSRC-b(10) is not in this chapter. Please describe what policy you are citing here.</p>	<p>Please be specific here instead of referencing: "Subsection 8. Environmentally Sensitive Habitat Areas"</p>	<p>Page OSRC-37, ESHA, Policy C-OSRC-8a(2) should include potential habitat connectivity corridors, watercourses, nesting, prey habitat and mating areas, wildlife corridors and areas that contribute to the viability of Listed Species or those of impending rarity.</p> <p>In addition, the protective provisions of the Migratory Bird Treaty Act should apply to all species of migratory birds in the Coastal Zone. LM</p>	<p>The current language referenced the section to ensure that all applicable policies of the Section 8. are considered. Different subsets of policies may be needed depending on the circumstance so the language is intended as inclusive of all applicable requirements.</p>	<p>Please include all policies for implementation and enforcement, inclusive of all applicable requirements.</p>

35	8e	Please include policies listing the permitted uses in buffer zones for each habitat, including ESHA.	Please be specific here instead of referencing this section generally. Please include a specific policy on allowable uses in ESHA.		Permitted uses in buffer zones for each habitat, including ESHA, will be defined in the Implementation portion of the LCP update. Implementation will include updates to the Zoning Code and Administrative Manual. At this time uses requiring a CDP are not permitted in buffer zones but there are provisions to allow for reduced	Implementation planning and the Administrative Manual are done without external review making clear and verifiable policies necessary. Please specify the provisions for allowing reduction of buffer zones.
35	8e	There needs to be an explicit description of allowable uses and development standards for each habitat area including but not limited to wetlands, riparian areas, general ESHA	Please be specific on allowable uses within ESHA, describe allowable uses in, wetlands, and describe allowable uses for Riparian within the body of this element, not in Appendix E-5.1		Policy was revised to restrict any significant, long-term, adverse impacts on the functions of riparian habitat. OSRC Element describes allowable uses within coastal waterways, riparian vegetation, and biotic habitat. Specific permitted uses will be described in the Zoning Code update during Implementation. Policy C-OSRC-4c: Allowable uses and development within any streamside conservation area or Riparian Corridor shall be evaluated consistent with the Habitat Development Guidelines criteria. Construction, operation, and maintenance, or development shall not result in any significant, long-term adverse impacts on the functions and values of the riparian habitat.	How will "significant, long-term adverse impacts" be verifiably determined?
36	8h,8d, 8e	The county needs to define what uses are allowed in ESHA as a separate policy within the body of this chapter.	Please define what uses are allowable within ESHA. Needs to be more specific as this is referenced several times including C-OSRC 8h,8d, and 8e. Please also clearly define what uses are allowed within ESHA buffers.	Note Policy 8g allows reduction of ESHA buffers from 100' to 50'. Recommend removal of this policy. LM	Definition of ESHA has been added to the Glossary which includes specific criteria on how to identify ESHA. Permitted uses will be described in the Zoning Code update during Implementation.	Permitted Uses should be clearly identified in Policy in order to inform the Zoning Code update and provide consistency. The on-line LCP does not include a Glossary definition of "ESHA" so no comment could be made here.
36	8i	Native landscaping may be allowed, but not required	Please add additional text "For new development where landscaping is proposed adjacent to ESHA."		Policy moved to C-OSRC-8i. Policy C-OSRC-8i: Adjacent to ESHA, the use of compatible native, non-invasive plant species for landscaping shall be required as a condition of coastal development permit approval. The use of invasive exotic plant species shall be prohibited. No landscaping shall extend into ESHA.	

36	8h		Migation ratios for ESHA should be provided at a minimum of 3:1		Mitigation ratios were set generally at 2:1 though 3:1 is required for protected Riparian areas. Additional Mitigation ratios will be addressed in Implementation.	ESHA should be protected at the same ratio as Riparian Areas in order to achieve Goals. Implementation planning is done without external review making clear and verifiable policies necessary.
36	8h		Regarding the sentence "where off site habitat mitigation is more protective". When would off-site mitigation be more protective?	!	Determining specific circumstances regarding on or off site mitigation is project specific. Standards for evaluation will be part of the Coastal Administrative Manual and developed as part of implementing the LCP.	The Administrative Manual and implementation plans are done without external review making clear and verifiable policies necessary. Priority should be given to no on site loss, with mitigations adjacent to the site or lastly to mitigations in like sites where a mitigation adds to existing habitat.
36	8h/8J	New Policy	"...in accordance with applicable Local Coastal Plan Policies" Please state here what policies are being referenced.		Mitigation ratios are included in Policies C-OSRC 5i, C-OSRC-7o; C-OSRC-8h, C- OSRC-7o. Appendix E Section 1 describes restoration and monitoring requirements.	
	Appendix	The Habitat Development Guidelines described in Appendix E-3 should be stated as policies within the body of this document and not in the appendix.	See original comment.		Appendix E is referenced throughout the OSRC Element and was adopted as a part of the Local Coastal Plan update. While reviewing any proposed projects, the Planner must refer to all adopted policies and any requirements and guidelines found in the Appendices. <i>Eventually these guidelines will become part of the Implementation Plan as the Administrative Manual.</i>	The Administrative Manual and implementation plans are done eventually without external review making clear and verifiable policies necessary.
<b>5. Public Access</b>						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment	BoS Adopted Draft, PS Response	SonCo_Comments.2

3		<p>Please also include here a discussion of the balance between Section 30240 of the Coastal Act and Public Access and Recreation. It should be made clear that only "resource-dependent uses" are allowed in ESHA.</p>	<p>Please include public access and resource-dependent uses. "While public access is a high priority use, Coastal Act Section 30240 requires that development is subordinate to protection of environmentally sensitive habitat areas, and that recreation areas and resource dependent uses shall be compatible with..."</p>	<p>This can only be effective if ESHA mapping is complete and current. and (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." "Significant" is not defined in terms of loss or impacts. rmf</p>	<p>Page PA-3 and PA-8 of the BOS adopted LCP Public Access Element quotes the entire text of Section 30240 verbatim.</p>	<p>The Public Access Element section: RELATIONSHIP TO CALIFORNIA COASTAL ACT does quote Sec. 30249. In Development Review Policy C-PA-3f: "Consider alternative mitigation measures for the impact of new development on public access in cases where development of certain public access facilities or improvements are found to be infeasible due to potentially significant impacts on public safety, agriculture, environmentally sensitive habitat areas, or cultural resources. Alternative mitigation measures include but are not limited to development of off-site public access points of equivalent public access opportunities." and "Policy C-PA-3m: Provide safe and clear public access trails constructed with pervious surfaces. Improvements should be designed to be safe, minimize impacts to sensitive resources, minimize maintenance costs, and provide disabled accessibility to the extent feasible without substantially impacting sensitive resources." There is no mention in Policies that development is subordinate to ESHA protection or that resource dependent uses are compatible with ... " This can only be effective if ESHA mapping is complete and current. and (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." "Significant" is not defined in terms of loss or impacts.</p>
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14		Please consider including in this chapter a rough timeline of the planned trail segments, if the county has some idea of the timelines needed for establishing these trail segments.	Please include a Loose timeline associated with "proposed" public access. In addition the word proposed implies that this access point is already decided, and this is not the case, the access point would still need to go through a permit review process. Staff would prefer the words "preferred" or "identified"	Please also include a map of the proposed alignment of the California Coastal Trail-the PA Element and Appendix B Plan does not include a map. The public is expected to make inferences from vague language or reference to documents such as the Bodega Bay Bicycle and Pedestrian Trails Plan, which are not included in the LCP, to know where proposed new alignments of the CCT or new public access amenities are cited. The LCP utilizes segment references in their priority acquisitions chart and in Appendix H Coastal Zone Projects chart but unless one has a copy of the BB Bicycle and Pedestrian Trails Plan-there is no way to know what/where these section numbers reference or evaluate thier impact on natural resources or their vulnerability to hazards.	The timeline of planned trail segments depends on a variety of factors, including CDP processing and Regional Parks.	Omission of some trails and/or access points has been problematic for applicants and staff in the past. Please also include a map of the proposed alignment of the California Coastal Trail-the PA Element and Appendix B Plan does not include a map. The public is expected to make inferences from vague language or reference to documents such as the Bodega Bay Bicycle and Pedestrian Trails Plan, which are not included in the LCP, to know where proposed new alignments of the CCT or new public access amenities are cited. The LCP utilizes segment references in their priority acquisitions chart and in Appendix H Coastal Zone Projects chart but unless one has a copy of the BB Bicycle and Pedestrian Trails Plan-there is no way to know what/where these section numbers reference or evaluate thier impact on natural resources or their vulnerability to hazards.
14	Public Access Plan		Please explain here the process and history of how the PAP was created		The Public Access Plan was revised to include more information on "Existing" vs "Proposed" trails. Figures C-PA-1a-k shows the location of the existing and the general location of proposed access points in order to allow for flexibility in planning and developing proposed access points.	

14	Public Access Plan "Proposed"		Please explain what "proposed" means in terms of actual impact on public access. What is the timeline for "proposed" public access points?		"Proposed", in the context of public access, is defined on page PA-14 of BOS adopted LCP Public Access Element as "the nearest public point to the approximate location of the trail alignment described in the Public Access Plan, or that an alignment between two end points has not been identified or that several alternative alignments need to be evaluated." Development of proposed accessways is dependent on a number of variables, such as ownership, Coastal Access Plan priority, financing, and coastal resource protection, and forecasting a timeline is not possible.	
16		Please define what acquisition means here. Through formalized access points? Dedication of easements? Trail building?	See original comment		See Section 3 Public Access Acquisition: "Acquiring public access can be accomplished in several ways including, but not limited to, purchase or donation of property, dedication of an easement for public access, or establishing that continuous historic public use has established an access easement across private property." Trail building is development, not acquisition.	
17		As the Public Access Plan seems to be central to this chapter, please include more details on how this plan was formed, and how the acquisition and development priorities were selected. In addition, please include any and all overarching themes, goals, and directives that come out of the Public Access Plan in this chapter. It is such a large document and due to its importance, should be incorporated as much as possible in this chapter	While Policy PA-1b gives more detail on how the acquisition priorities were established, and the same for the following Policy 1c these descriptions seem like they should be in the description beforehand, not policy language as these priorities have already been set.	Both the Public Access Element and Appendix B Public Access Plan were written in isolation from the Public Safety Element and Appendix G Vulnerability Study. They were written without direct consultation with State Parks which manages a majority of the Sonoma County coast. In addition the acquisition priorities and development of public access points were not cross referenced with the Public Safety Element or Appendix G-this is evidenced in the "Relationship to other Elements" section (page 4) of the Public Access Element. Failure to cross reference the PA Plan with the coastal hazards section including areas identified as vulnerable to SLR, erosion, flooding, tsunami, and wildfire is a great deficit that the County has been made aware of since 2015 but has failed to respond or adjust proposed new public access points or CCT alignment to avoid these hazards.	The Public Access Plan reflects local priorities and was updated from the existing 2001 Plan and priorities were shifted due to feasibility or progress made since the original date however most of the items were already established. Permit Sonoma staff was not directed to revise these policies to incorporate additional background on acquisition priorities.	The Public Access Element and Appendix B Public Access Plan were written in isolation from the Public Safety Element and Appendix G Vulnerability Study. Acquisition priorities and development of public access points were not cross referenced with the Public Safety Element or Appendix G-this is evidenced in the "Relationship to other Elements" section (page 4) of the Public Access Element. Failure to cross reference the PA Plan with the coastal hazards section including areas identified as vulnerable to SLR, erosion, flooding, tsunami, and wildfire.

17	1a		Please describe further in this element what the public access plan is, how the priorities are set and what are the development and acquisition priorities?		Background on the Public Access Plan can be found on Page PA-14.	How priorities are set isn't clear. Development priorities are listed on 91 pages in Appendix B.
17	1b	These acquisition priorities are confusing when not in context of Appendix B. Please include a section explaining these priorities, how they relate to Appendix B, and how the different priorities were selected.	See original comment		The Public Access Element provides goals, objectives, and policies, while the Public Access Plan is the way those goals, objectives, and policies will be implemented. Pages PA-17 and PA-18 were revised for the BOS adopted draft to provide additional clarity on priorities.	
19	1e/1f		Can these policies be combined and streamlined? Consider combining.		BOS adopted LCP Public Access Element policy C-PA-1g relates to developing public access. Policy C-PA-1i relates to maintaining and managing public access.	
19	1g	For this plan to be a guidance, it needs to stand on its own. Please provide more specifics from the Public Access Plan (PAP) here, and central points around the guidance coming from the PAP.	How does the public access plan affect this? Please include more elements from the PAP in this chapter.		Policy revised to include details on park needs. Policy C-PA-1g: Use the Public Access Plan project list found in Appendix B as the guide for determination of undeveloped (passive) park needs in the Coastal Zone, including County Regional Open Space Parks, Regional Trails, and State Parks in order to support coastal recreation.	
20	1i	New policy	Please make this policy more specific to help describe what this policy will be trying to accomplish. What will the offers of dedication specifically be for?		Offers of Dedication will increase opportunities for public access to the coast.	
22	2h	Please define what adequate parking means in this instance	Please establish what adequate parking means here either from referencing specific zoning requirements or by explicitly stating requirements here	Policy C-PA-2h: should be rewritten to include: Provide adequate parking and trailhead facilities for the California Coastal Trail. Consider public safety concerns, protection of environmentally sensitive habitat areas, <b>conflicts with residential areas</b> , and use patterns including the proximity of other nearby parking and trailhead facilities when determining locations.	Specific parking requirements and design will be subject to the certified Zoning Code Chapter 26C Article XXXI. - Parking Regulations and any applicable Sonoma Public Infrastructure standards.	"Policy C-PA-2h: Provide adequate parking and trailhead facilities for the California Coastal Trail. Consider public safety concerns, protection of environmentally sensitive habitat areas, and use patterns including the proximity of other nearby parking and trailhead facilities when determining locations." Does not include conflicts with residential areas - which has been a significant impact.

22	2j	"Appropriate mitigation" seems undefined here Reference Policy C-OSRC 5b(6) to list mitigation measures	Please edit the following sentence to say: "For situations where impact avoidance is not feasible, appropriate avoidance and minimization measures should be taken into consideration including but not limited to, use of boardwalks, reducing trail width and protective fencing to make the trail as LCP consistent as possible and is the least environmentally damaging alternative."		Mitigation measures and requirements are site specific and determined as part of the Coastal Development Permit process. Standards for mitigation will be developed during implementation as part of the Coastal Administrative Manual update Adopted Policy C-PA-2j references Policy C-OSRC-8f as requested. Policy C-PA-2j: The Coastal Trail should be designed and located to minimize impacts to environmentally sensitive habitat areas consistent with Policy C-OSRC- 8f. Where necessary to prevent disturbance to sensitive species, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible. For situations where impact avoidance is not feasible, appropriate mitigation measures should be incorporated, including but not limited to, use of boardwalks, reducing trail width and protective fencing.	"For situations where impact avoidance is not feasible, appropriate mitigation measures should be incorporated, including but not limited to, use of boardwalks, reducing trail width and protective fencing." does not specify a verifiable standard to be achieved. Implementation plans are not reviewed so it is important to state verifiable standards.
24	Coastal Permit Findings	This is policy language and should be incorporated as a policy	See original comment		This would be more appropriate to reiterate in the Administrative Manual which goes into more detail for permit processing.	This seems somewhat circular as it references Appendix B for the PAP, which does not include necessary Findings for compliance except those listed as Legislative. The Administrative Manual is not available for review at this time?

25	3a	Please include an explanation on how these development priorities were established. What is the relationship between development and acquisition? Consider grouping all policies that relate to the Public Access Plan together.	This is slightly clarified in this language "priority of development of public access facilities such as trails, visitor serving centers, etc. on the Sonoma County coast.", but still should be given more background.		<p>Revised Policy C-PA-3a to provide more details on public access development priorities. These new policies include Policy C-PA-3a, 3b, 3c, and 3d. Policy C-PA-3a: The Public Access Plan shall establish priority of development of public access facilities such as trails, visitor serving centers, etc. on the Sonoma County coast.</p> <p>Policy C-PA-3b: Require new development adjacent to public access and recreation areas vulnerable to coastal bluff erosion or sea level rise to be sited and designed to anticipate eventual loss and necessary replacement of such public access and recreation areas.</p> <p>Policy C-PA-3c: The distance between coastal access trails and residences should be as large as possible to protect the quality of the user experience and the privacy of the occupants of the residence. Access facilities shall be designed and managed to minimize conflicts with residential development.</p> <p>Policy C-PA-3d: Adopt a long-range plan or Master Plan for each facility that identifies and describes improvements necessary for continued operation, and adaptation to sea level rise and climate change.</p>	
26	3b		Please explain how these priorities were established, how were the first, second, and third tiers established?		Policy C-PA-3a references the Public Access Plan for establishing priority of development of such facilities.	The PAP lists the 91 pages the priorities, but not how they were established. "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." but the list of criteria describes how to go about it.

26	3c	Please rephrase this policy, as the language is unclear as written. For guidance, from the HMB 2021 Certified LCP: 5-10 Mitigation for Impacts to Public Coastal Access. Where adverse impacts to existing public coastal access cannot be avoided by new development and no feasible alternative exists, ensure that impacts are mitigated such as through the dedication of a new access or trail easement in perpetuity or the provision of improvements to other public coastal access points in Half Moon Bay.	Consider combining the second half of first 3c with the second 3c.		Added as a new policy: Policy C-PA-3g: Where adverse impacts to existing public coastal access cannot be avoided by new development and no feasible alternative exists, ensure that impacts are mitigated by dedication of a new access or trail easement providing equivalent access, or a proportionate fee to develop or improve other public coastal access points identified as Priority 1 Development by the Public Access Plan.	
26	3c	Please clarify, does this mean in lieu of? (off site/similar character)	See original comment		Revised Policy C-PA-3f and added new Policy C-PA-3g to provide clarification Policy C-PA-3f: Consider alternative mitigation measures for the impact of new development on public access in cases where development of certain public access facilities or improvements are found to be infeasible due to potentially significant impacts on public safety, agriculture, environmentally sensitive habitat areas, or cultural resources. Alternative mitigation measures include but are not limited to development of off-site public access points of equivalent public access opportunities. If off-site public access points are developed as mitigation for the impact of new development on public access, these access points shall be as close as feasible to the location of the impact on public access. Policy C-PA-3g: Where adverse impacts to existing public coastal access cannot be avoided by new development and no feasible alternative exists, ensure that impacts are mitigated by dedication of a new access or trail easement providing equivalent access, or a proportionate fee to develop or improve other public coastal access points identified as Priority 1 Development by the Public Access Plan.	

27	3g	This should be fleshed out more, why is this important? Cross reference visual resource chapter if needed.	See original comment		Visual analysis is required to preserve scenic quality of public views and should be considered when designing all aspects of facilities including parking. Policy C-PA-3i	
29	Program C PA-3		Please do not directly reference the California Coastal Commission 1993 "Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements", instead make this program more general, and include the specifics in the IP update in the future.	Program C-PA-2 should not be in the Public Access Element. Events can impact either public access or impact natural resources so event policies should be in the Land Use Element. Policy C-PA-3q contradicts existing County code on what qualifies as a temporary event and abbreviates many criteria for what constitutes an event in the Coastal Zone. The LCP interchangeably uses "Temporary" and "Cultural" and "Periodic Special" event which creates ambiguity and denies the public clarification on which requires a CDP and which is considered a PPU.	Now Program C-PA-2. Programs are necessary or potential steps for implementation of the Local Coastal Program; for example, further study and development of plans of ordinances. BOS adopted LCP Public Access Element Policy C-PA-3q requires that Coastal Zoning Code permit requirements apply for temporary private events, and establishes thresholds for requiring a CDP for temporary private events.	Program C-PA-2 should not be in the Public Access Element. Events can impact either public access or impact natural resources so event policies should be in the Land Use Element. Policy C-PA-3q contradicts existing County code on what qualifies as a temporary event and abbreviates many criteria for what constitutes an event in the Coastal Zone. The LCP interchangeably uses "Temporary" and "Cultural" and "Periodic Special" event which creates ambiguity and denies the public clarification on which requires a CDP and which is considered a PPU.
31	4e	This policy should not just be limited to county residents, but to lower-income folks in general. Generally, this chapter seems to lack important policies on environmental justice. Consider adding more policies around EJ from the HMB Certified LCP such as: 5-3. Environmental Justice. Minimize barriers to public coastal access to the maximum extent feasible, including ensuring that public access and recreational opportunities account for the social, physical, and economic needs of all people.	See original comment	Objective C-PA-2.8: Provide an educational experience through interpretive facilities where feasible Should be re-written to state Objective C-PA-2.8: Provide an educational experience through interpretive facilities that are multi-lingual where feasible.	BOS adopted LCP Public Access Element Policy C-PA-4e supports equitable access to the coast by requiring free or low cost parking for users of public access facilities and public access points, subject to restrictions necessary to protect coastal resources, such limiting number of parking spaces to avoid impacts. Scenic resources are a coastal resource that would be considered during implementation.	"Equitable Access Policy C-PA-4e: Provide and maintain free or low cost parking for users of public access facilities and public access points, subject to restrictions necessary to protect coastal resources, such limiting number of parking spaces to avoid impacts. " should include potential for public transit, reduced fees and multi lingual facilities where feasible. There is no clarity as to what standards would be applied (or how) to qualify for parking fee reduction. Not much to offer.

32	Private fee Access	As written the Public Access Plan does not contain any polices encouraging owners of fee accessways to continue to provide access, please provide policy language or an explanation in this chapter as to how the Public Access Plan establishes this.	Please be clear here that if a property owner is charging for an access point they would require a CDP.		Site and/or operational changes that would reduce access or create new barriers to coastal access have previously been interpreted by Sonoma County, Coastal Commission and the courts to need a Coastal Permit. In Surfrider Foundation v. Martins Beach LLC , the Court determined that any change in the public's ability to access the ocean, including closing an existing private fee accessway constitutes development and subject to a Coastal Development Permit.	Found no statement on private fees for access.
88	APPENDIX B: PUBLIC ACCESS PLAN	(I-35)Estero Ranch Preserve		remove "Future trail access may connect Short-Tail Gulch Trail to Estero Ranch Preserve." as it violates the Settled Agreement (now included in the LCP-Appendix L) between CCC, BHHOA, and the County.		
<b>6. Water Resources</b>						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment BMPs are used extensively as mitigation - but not described for specific applications or outcomes. rmf	BoS Adopted Draft, PS Response	SonCo_Comments.2 "Except for relatively small area near Fort Ross, the Russian River, and Bodega Bay, most of the Sonoma Coast is within the Class 4 Groundwater Availability Area."

7	Total Maximum Daily Load Program	Please add more context as to what the Total Maximum Daily Load program is, what the program requires, and what the program includes.	See original comment	<p><i>? is this a TMDL response? A timeline for TMDLs would be useful (rmf) Page C-PF-6; Policy C-PF-2e: The current LCP template for development permits should be retained, eg: "Ensure that adequate water capacity is reserved to serve (the first three) priority developments (listed below as they are proposed in the Phase I development plan for Bodega Bay) by requiring that if water supplies do not prove adequate to all land uses designated in the Phase I plan, a minimum of 30 percent of the projected available amount shall be reserved for the designated priority uses." LM</i></p> <p>"The other major Clean Water Act program affecting the County in the future is the Total Maximum Daily Load (TMDL) program. The Regional Water Board is required to determine which surface water bodies are impaired, assess pollutant sources, determine acceptable levels, allocate allowable pollutant loads to various sources, and establish implementation programs."</p>	The BOS Adopted LCP Water Resources Element states: "The other major Clean Water Act program affecting the County in the future is the Total Maximum Daily Load (TMDL) program. The Regional Water Board is required to determine which surface water bodies are impaired, assess pollutant sources, determine acceptable levels, allocate allowable pollutant loads to various sources, and establish implementation programs."	
10	Objective 1.2	Please include a definition of pristine water, or the process that allows a body of water to be identified as pristine.	Please define unimpaired water, and pristine water. If possible, this element should contain a table that categorizes known bodies of water as impaired vs. unimpaired.	Goal C-WR-1 Define "reasonable" beneficial uses. And include a map of each identified surface water: "... impaired surface waters, prioritizing watersheds which contain surface waters that are the most impaired, have the highest value for fish and wildlife, or are at most risk from future development...."	"Pristine waterbody" has been replaced with "unimpaired waterbody" in the BOS Adopted Draft. All coastal waterbodies other than the three waterbodies identified by the California Water Board as impaired in Sonoma County are considered unimpaired.	Goal C-WR-1 Define "reasonable" beneficial uses. And include a map of each identified surface water: "... impaired surface waters, prioritizing watersheds which contain surface waters that are the most impaired, have the highest value for fish and wildlife, or are at most risk from future development...."

10	Objective 1.2	Impaired surface waters should be defined in the introductory text of this section. Are there specific impaired water bodies in Sonoma County that this is referencing?	See original comment	See comment above	Staff would be supportive of the following text revision: "Protect unimpaired waters, as identified on the California Water Board's most recent Section 303(d) list, and improve water quality of impaired surface waters, prioritizing watersheds which contain surface waters that are the most impaired, have the highest value for fish and wildlife, or are at most risk from future development. Introduction of the Water Resources Element discusses Russian River, Gualala River and Estero Americano as impaired waterbodies.	Goal C-WR-1 Define "reasonable" beneficial uses. And include a map of each identified surface water: "... impaired surface waters, prioritizing watersheds which contain surface waters that are the most impaired, have the highest value for fish and wildlife, or are at most risk from future development...."
12	1e	Instead of a case-by-case basis there should be minimum parameters set defining the type of impact a development might have, such as, distance from water way, percentage of coverage for pervious surfaces. Sample Language from the Marin LCP states:	See original comment. In addition, please review this policy for clarity, as it is currently written this policy is difficult to understand.		Renumbered to Policy C-WR-1f in the BOS adopted LCP. See general response on Sonoma County Local Coastal Program organization. Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual).	The Administrative Manual and implementation plans are done eventually without external review making clear and verifiable policies necessary.
12	1e(4)	This should be qualified. What specific types of design storms?	Please clarify is this only for a 24 hour storm event as is noted in e(3)?	Pollutants should be removed at the source to protect aquifers as well as runoff situations. rmf	Renumbered to Policy C-WR-1f(4) in the BOS adopted LCP. Policy applies to treatment control for all runoff, not just 24-hour storm event.	Pollutants should be removed at the source to protect aquifers as well as runoff situations.
13	1g(6)	Please define this timeline. Is this during development? Post Development? During construction window?	Please delete "soon as possible"		Renumbered to Policy C-WR-1h(6) in the BOS adopted LCP. Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual).	"1h (6) Requiring soil stabilization Best Management Practices (BMPs) be implemented over disturbed areas as soon as possible during construction." still includes "as soon as possible" which is not quantifiable or enforceable. The Administrative Manual and implementation plans are done eventually without external review making clear and verifiable policies necessary.

15	1k	<p>Old policy: Policy C-WR-1k: Initiate a review of any sewer system when it persistently fails to meet applicable standards. On the basis of the failure of applicable standards, the County may deny new development proposals or "impose moratoria on building and other permits that would result in a substantial increase in demand, and may impose strict treatment and monitoring requirements"</p>	<p>Please edit policy accordingly "...if the wastewater plant fails to meet standards set by the North Coast Regional Water Quality Control Board, prohibit new development proposals or impose moratoria on building and other permits that would result in a substantial increase in demand in all areas." In addition please include what the NCRWQCB is required to do when these plants fail to meet these standards.</p>	<p>Page PF-5, Policy C-PF-2a: Recommendation: Insert ...."facilities exist on-site to accommodate.....".</p> <p>Add: "Outside Service Agreements for wastewater and septic treatment should be the last option and only if all other options for onsite disposal allowed by Public Health and the Basin plan are not feasible." LM</p>	<p>Renumbered to Policy C-WR-11 in the BOS Adopted LCP: "Prohibit new development proposals or impose moratoria on building and other permits that would result in a substantial increase in demand in areas within Bodega Bay and The Sea Ranch that are served by municipal wastewater service if the wastewater plant fails to meet standards set by the North Coast Regional Water Quality Control Board." Authority of the NCRWCB to regulate water quality in the Coastal Zone is established by California Coastal Act Section 30412(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 resources."</p>	<p>All shared water and/or sewer systems should be subject to controls that limit expansion to service capacity. Also add: "Outside Service Agreements for wastewater and septic treatment should be the last option and only if all other options for onsite disposal allowed by Public Health and the Basin plan are not feasible."</p>
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19	2c	Missing additional details on the need for a Hydrologic study and some of the details on what is needed in that study. Language from previous versions: "Test wells may be required in Class 3 Groundwater Availability Areas. Discretionary applications in Class 3 and 4 Groundwater Availability Areas shall be denied unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin or fractured rock aquifer. Procedures for proving adequate groundwater shall consider streamflow, groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project."	Please include 2c below: Proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 Groundwater Availability Areas shall be required for discretionary permits. Test wells may be required in Class 3 Groundwater Availability Areas. Test wells or the establishment of community water systems to support new development in Class 4 Groundwater Availability Areas shall be required	Proof of adequate water supply shall be required for any intensification of use, to include Public Trust protections and cumulative impacts. rmf	Policy as adopted by BOS: "Policy C-WR-2c: Permit applications for new development that result in a net increase in groundwater use in a Class 3 and 4 Groundwater Availability Areas, or within a watershed that is designated as critical habitat for Steelhead or Coho Salmon shall be denied unless the applicant can demonstrate through a hydrogeologic report that the proposed use will not cause an adverse effect on groundwater resources of the groundwater basin, subbasin, or fractured rock aquifer, and associated stream levels. The hydrogeologic reports shall consider the following when evaluating impacts to groundwater resources: lowering of groundwater levels, reduction in groundwater storage, seawater intrusion, degradation of water quality, land subsidence, and depletion of interconnected surface water. The hydrogeologic report shall discuss if the development is consistent with an adopted groundwater sustainability plan or groundwater management plan, as applicable to the project site."	"Except for relatively small area near Fort Ross, the Russian River, and Bodega Bay, most of the Sonoma Coast is within the Class 4 Groundwater Availability Area." Analysis of impacts on neighboring wells/uses should be required with restrictions where negative impacts are found.
22	22	(regarding sentence that starts with: "In light of..." at top of page) Please add more context on availability concerns	See original comment.		Availability will be determined by site-specific studies required by Policies C-WR- 3a through C-WR-3g. Introductory section is intended to provide general background only.	Policy C-WR-2c should include Analysis of impacts on neighboring wells/uses should be required with restrictions where negative impacts are found.
22	3a	Please reference the specific standards here, or provide a link to an appendix with these standards.	See original comment.		State and Federal regulations regarding water quality are constantly evolving. Staff would be in support of making this an initiative rather than policy.	Reference to "current" regulations is often used. How would an initiative make this clear and verifiable standards?

23	3c		Revise accordingly: "Require public water systems to prepare master facilities plans that contain, but are not limited to, the following items and information:..."		Policy as adopted by BOS: "Policy C-WR-3c: Require public water systems to prepare master facilities plans that contain, but are not limited to, the following items and information:"	
23	3c(2)	A master facilities plan should have a priority plan for water usages, with priority and non-priority usages in cases where water is limited. This is referenced in the Public Facilities and Services Chapter as well.	Please provide information related to future capacity if it is known and how this capacity will be divided, either within this element or by reference to the public facilities and services element,	Page PF-24, 11.2 OTHER INITIATIVES, Other Initiative C-PF-1: Recommendation: Utilize CDWR and County Water Board guidance in formulating any aquifer estimates and long-term sustainability of local water supplies. LM	Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). BOS Adopted: Program C-WR-1-P4: Develop a program to facilitate tracking and maintaining consistency between the adopted Local Coastal Plan, adopted groundwater sustainability plans, urban water management plans, and the master facilities plans of public water suppliers. Such a program should include meetings between Permit Sonoma, public water suppliers, the North Coast Regional Water Quality Control Board and the California Coastal Commission to develop the tracking plan. As part of plan development, Permit Sonoma will review all proposed master facilities plans, and develop Local Coastal Plan amendments necessary to implement both the master facilities plans and the water resource tracking plan.	Implementation plans are done without external review making clear and verifiable policies necessary. The coastal zone in Sonoma County has no adopted groundwater sustainability plans, or urban water management plans, and is identified as nearly 90% in the Class 4 water availability area, limiting any areas where there may be "future capacity". "Except for relatively small area near Fort Ross, the Russian River, and Bodega Bay, most of the Sonoma Coast is within the Class 4 Groundwater Availability Area." Use priorities must be made clear.
25	4a	<b>Policy C-WR-4a: Require stormwater and wastewater disposal methods in accordance with all applicable Federal, State, and local regulations to avoid or minimize reliance on discharges into natural waterways. Another policy: Where applicable, comment on projects and environmental documents to ensure that low impact development practices and reclamation, conservation, and reuse programs are protective of surface and groundwater resources. (GP2020)</b>	Please include this policy. In addition, this policy addresses two separate things and should be split into two policies		Compliance with applicable Federal, State, and local regulations does not require a policy, as this is a legal requirement regardless of LCP policy. Procedures for Project Review may be considered with the Implementation Plan, Administrative Manual.	"Procedures for Project Review <i>may be considered</i> with the Implementation Plan, Administrative Manual." Implementation plans and the Administrative Manual are done without external review making clear and verifiable policies necessary.

26	4g	Not actionable as written	Please add at end of policy "...runoff and erosion if landscaping is proposed as part of a CDP"		Renumbered to Policy C-WR-4f in BOS adopted LCP. Requirement to reduce erosion and runoff is requirement of all landscaping, not just landscaping associated with a CDP.	On line: "Policy CWR-4f: Require property owners to incorporate only native, drought-tolerant, and low water use plants to conserve water and reduce the potential for runoff and erosion."
26	4i	Not Actionable as written	Please change language from encourage to something more actionable.		"Encourage" is used because LCP policy lacks authority to establish utility rates and billing practices of public utilities.	The county has the authority to regulate expansion. Monitoring and/or pricing mechanisms could be applied in those instances. "Policy C-WR-4h: Encourage monitoring for all water use and require water metering for public water suppliers that require water users to pay for costs of the amount of water used. Encourage tiering and other pricing mechanisms for public water suppliers that provide incentives for water users to employ conservation and reuse programs. Actively encourage public water suppliers to maximize water re-use and conservation prior to increasing net water use for new development."
7. Public Safety						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment	BoS Adopted Draft, PS Response	SonCo_Comments.2

10	1f	<p>"Best available science" needs to be described in this chapter: "The best available, up-to-date scientific information about coastal hazards and sea level rise shall be used in vulnerability assessments, the evaluation of coastal development permit applications that present hazard risks, and the preparation of technical reports and related findings. Analyses shall include multiple sea level rise scenarios, one of which is a worst-case "high" projection for the planning horizon or expected duration of the proposed development [insert the minimum anticipated duration of development, e.g., (minimum 100 years unless otherwise specified)], based on best available scientific estimates of expected sea level rise at the time of the analysis. Sources of information may include, but shall not be limited to, state and federal agencies, research and academic institutions, and non governmental organizations, such as the California Coastal Commission (CCC), Ocean Protection Council (OPC), National Oceanic and Atmospheric Administration (NOAA), the National Research Council, and the Intergovernmental Panel on Climate Change."</p>	<p>Please include: "Analyses shall include multiple sea level rise scenarios, one of which is a worst case "high" projection for the planning horizon or expected duration of the proposed development [insert the minimum anticipated duration of development, e.g., (minimum 100 years unless otherwise specified)], based on best available scientific estimates of expected sea level rise at the time of the analysis."</p>		<p>The BOS adopted LCP has an introduction section "Sea Level Rise Forecasts" that discusses development of scientific information on climate change and sea level rise to help guide planning and decision-making. This section also provides background on which model Sonoma County prefers, and how this sea level rise forecast is applied to evaluating vulnerability of development to sea level rise. BOS adopted LCP Public Safety Element Policy C-PS-1f defines best available science as: "Recently published scientific information about coastal hazards and sea level rise that be used in vulnerability assessments, evaluation of coastal development permit applications that present hazard risks, and preparation of technical reports and related findings. Sources of information may include, but shall not be limited to, state and federal agencies, research and academic institutions, peer-reviewed scientific journals, and research published by organizations that focus on climate change and sea level rise, such as the California Coastal Commission, Ocean Protection Council, and the Intergovernmental Panel on Climate Change."</p>	
12	1h	<p>We recommend tying this to something, as otherwise this is unlikely to be implemented. In our staff-to staff meeting, we should discuss the intent of this policy and how the County envisions homeowners using this.</p>	<p>See original comment. Consider tying this requirement to a CDP for Property owners in mapped hazard/flood areas</p>	<p>Agree. As it reads currently property owners are given no guidance on how to conduct this research. MW</p>	<p>BOS adopted LCP Public Safety Element Policy C-PS-1h clarifies that property owners are responsible for understanding risks associated with living on the coast. It is not intended to be a requirement for CDP application.</p>	<p>Property owners are given no guidance on how to conduct this research.</p>

12	1i	As discussed in cover letter, this is not defined. There needs to be a consistent definition between blufftop redevelopment and redevelopment. Recommend using "redevelopment" or "coastal redevelopment." This measures redevelopment from the effective of the Coastal Act.	See original comment		The glossary in the BOS adopted LCP defines coastal redevelopment as: (1) Alteration of 50 percent or more of major structural components including exterior walls, floor and roof, and foundation; or a 50 percent increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the effective date of the Coastal Act (January 1, 1977). (2) Demolition, renovation, or replacement of less than 50 percent of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the effective date of the Coastal Act (January 1, 1977); or an alteration that constitutes a less than 50 percent increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50 percent of floor area, taking into consideration previous additions approved on or after the effective date of the Coastal Act (January 1, 1977).	This does not discuss blufftop redevelopment specifically. Standards for safety could be required (i.e. a building envelope? setbacks?) of 50% ("or more") increased size of an already large structure could increase hazards and impacts.
18	Slope Stability Analysis	Please make slope stability analysis a separate policy or define it explicitly as: "A quantitative slope stability analysis prepared by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15). Safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over at least 100 years, considering both historical data and the influence of future sea level rise."	See original comment One suggestion would be to insert this as a subset of policy 2b.		"Coastal Redevelopment: Development located between public trust lands and a point 100 feet inland of the top of a coastal bluff, adjoining or near the ocean and land interface, or at very low-lying elevations along the shoreline that consists of: 1) additions to an existing structure; 2) exterior or interior renovations; or 3) demolition of an existing bluff top home or other principal structure, or portions thereof, which results in:	"Policy C-PS-2b: A site-specific geologic hazards ..." does not include quantitative metrics as suggested. The Glossary (as noted) describes the site.

20	Objective 2.3	This should better mirror Coastal Act Section 30235 to provide details on when SPD is allowable, avoidance measures, and required mitigation for such devices.	Please include policy language to support this objective.		BOS adopted LCP Public Safety Element Policy C-PS-2g refers to Appendix F, which establishes standards for the construction, reconstruction, expansion, alteration, and/or replacement of a shoreline protective device, including seawalls, revetments, breakwaters, groins, bluff retention devices, deep piers/caissons and other shoreline protection structures for coastal erosion control and hazards protection.	Appendix F includes some clarity on when allowable, avoidance and mitigations: " ... shall be allowed only if all of the following criteria of the California Coastal Commission and County of Sonoma are met: (1 ) - (8) The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance until the coastal permit expiration, which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect. (9) Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective
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20	2b(d)	Need to define what acceptable level means	See original comment.	Agree "acceptable level" too vague. Acceptable to whom? MW	Determination of acceptable risk is the responsibility of the licensed Geotechnical Engineer, Engineering Geologist, or Geophysicist evaluating the project.	The geotechnical engineer would benefit from specific standards to meet, as would staff and the applicant.
21	2d	As stated previously the following should also be calculated in determining the bluff setback. Please include this standard: A quantitative slope stability analysis prepared by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, $k=0.15$ ). Safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over at least 100 years.	See original comment.		Determination of acceptable risk is the responsibility of the licensed Geotechnical Engineer, Engineering Geologist, or Geophysicist evaluating the project. The LCP cannot regulate practice of engineering by licensed professionals. Policy C-PS-2d requires certification by the licensed professional that the proposed development has a design life of 100 years. This evaluation is required to consider the specific geologic and hydrologic conditions on the site; historic coastal bluff retreat data; projections for future sea level rise according to the best available science; and existing and projections for changes in storm frequency, magnitude, and duration due to climate change.	
21	2d		Please edit accordingly "Shoreline protection devices are prohibited for new development except for coastal dependent uses and shall not be considered when evaluating setback from coastal hazards"		BOS adopted LCP Public Safety Element Policy C-PS-2d is more restrictive than required by the Coastal Act. Coastal dependent uses will require relocation as the shoreline moves inland and does not support shoreline protective devices for any development, including those that are coastal dependent.	

21	2e	<p>Regardless of feasibility of other alternatives, shoreline protection devices still need to go through a full coastal act review.</p> <p>This is language from the 2021 certified Half Moon Bay LUP on when Shoreline Protective devices are allowable: "To protect an existing structure in imminent danger from erosion (i.e., when substantial evidence indicates that the structure will be significantly damaged by coastal flooding or erosion hazards within two to three storm cycles, or approximately "three years); when found to be the least environmentally damaging feasible alternative (e.g., if relocation or soft armoring approaches cannot mitigate the hazard); and when all coastal resource impacts are appropriately and proportionally mitigated. If allowed shoreline protective devices shall be sited and designed to avoid impacts to coastal resources to the maximum extent feasible, including through preserving the maximum amount of existing beach, protecting lateral public access along the shoreline, protecting and enhancing public views, minimizing alteration of and visually blending with the surrounding natural shoreline; avoiding impacts to archaeological resources; and not encompassing an area larger than that necessary to protect the coastal-dependent use, existing structure, or critical facility."</p>	<p>This updated policy seems to be missing some key elements and needs to be updated to accurately portray when a SPD is allowed. Please review the sample policy language and make sure all elements are incorporated.</p>	<p>Agree w need for more clarity in parameters of an acceptable SPD. MW Maintain the 2001 LCP's limitation of new public water and wastewater systems to within designated urban services boundaries. In cases in which several septic systems fail in a cluster, rather than extending sewer services outside urban boundaries, an invitation to sprawling development, require onsite wastewater treatment systems. LM LM .... do you mean to include a comment on water &amp; wastewater systems in the Shoreline Protection Device section?</p>	<p>BOS adopted LCP Public Safety Element Policies C-PS-2e, C-PS-2g, and CT-PS-2h only allow shoreline protection devices as a last resort, and does not allow restoration of development potential lost due to natural forces. There is no policy exempting shoreline protective devices from the provisions of the Coastal Act or the need for a Coastal Permit.</p>	<p>Should there be a statement that SPDs require CCC review and approval?</p>
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22	2h	Updated to follow guidance, however, ese redevelopment here, should be Coastal redevelopment if that's the term they want to go with.	Please define redevelopment in this element.		BOS adopted LCP Public Safety Element Policy C-PS-2h establishes standards for removal of shoreline protective devices and restoration of the site to a natural condition when the protected structure is no longer present or no longer requires armoring and the device is not needed to protect adjacent development that is still entitled to shoreline armoring. Consistent with the LCP Glossary, Permit Sonoma staff would support the following change to Policy C-PS-2h: "In the case of coastal redevelopment, any potential rights to protection are terminated and removal of the shoreline protective device shall be required as part of demolition and alteration of the structure being redeveloped."	support the following change to Policy C-PS-2h: "In the case of coastal redevelopment, any potential rights to protection are terminated and removal of the shoreline protective device shall be required as part of demolition and alteration of the structure being redeveloped."
26	Objectives	Another goal or objective should be to collaborate with neighboring coastal counties (Mendocino and Marin) to effectively leverage resources.	See original comment.		Sonoma County flooding is primarily on the Russian River, where flood control projects are located outside of the Coastal Zone. Coastal flooding due to storm surge and wave runup occurs statewide, and mutual aid agreements are beyond the scope of the LCP. Flood-prone watersheds in Sonoma, Mendocino, and Marin Counties do not overlap, and it is not clear if opportunities for collaboration on flood mitigation policies can be identified. Existing mutual aid agreements between the counties assure a unified response to large disasters and are not specific to the Coastal Zone.	
26	3.1	See previous comment re: "acceptable levels"	See original comment.	Again: "acceptable to whom" MW	Specific standards for flood risk will be developed as part of implementation (Coastal Zoning Code and Admin Manual).	Implementation plans are done without external review making clear and verifiable policies necessary.
26	3.2	Policy should describe how reduction of repetitive "property loss will be accomplished."	This is partially accomplished in Policy 3k, but should be more "specific, would this be part of a projects permit conditions of approval?"	Not clear if this only applies to new development projects or also to existing structures with a history of repetitive losses. MW	Specific standards for flood risk evaluation will be developed as part of implementation (Coastal Zoning Code and Admin Manual) and are guided by Policy C-PS-3k. The certified Coastal Zoning Code has existing provisions which may be updated through implementation (Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District).	Implementation plans are done without external review making clear and verifiable policies necessary. Clarity in the LCP regarding new or existing structures should be included.

27	3b	In-line edits	Please incorporate these previous in line edits: Policy C-PS-3b: Floodplain management shall be given priority over flood control structures for preventing property damage from flooding, except for flood control projects where no other measure is feasible AND where protection is necessary for public safety or to protect existing development, , and such structure complies with requirements of the California Coastal Act and shoreline protection structure requirements of this Public Safety Element. (GP2020)		BOS adopted LCP Land Use Element General Land Use Policies C-LU-1a through C-LU-1c require all development to be consistent with the California Coastal Act. Specific standards for allowing flood control structures will be developed as part of implementation (Coastal Zoning Code and Admin Manual) and are guided by Policy C-PS-3b. The certified Coastal Zoning Code has existing provisions which may be updated through implementation (Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District).	Implementation plans are done without external review making clear and verifiable policies necessary. CCC offers some clarification.
27	3d	In line edits	Please incorporate previous in-line edits		General Land Use Policies C-LU-1a through C-LU-1c require all development to be consistent with the California Coastal Act. Specific standards to regulate development within floodplains will be developed as part of implementation (Coastal Zoning Code and Admin Manual) and are guided by Policy C-PS-3d. The certified Coastal Zoning Code has existing provisions which may be updated through implementation (Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District).	"Policy C-PS-3d: New development, water diversion, vegetation removal, and grading shall be regulated to minimize any increase in flooding and related human injury and property damage." Implementation plans are done without external review making clear and verifiable policies necessary.
27	3f	Not necessarily here, but would recommend addressing somewhere that drainage/stormwater mgmt. (and related policies) should account for increased water as a result of SLR and other climate change impacts.	See original comment.		The BOS adopted LCP Public Safety Element Section 4 "Sea Level Rise Hazards" provides policy regarding increased water levels. Stormwater management is regulated by the North Coast Regional Water Quality Control Board. Authority of the NCRWCB to regulate water quality in the Coastal Zone is established by California Coastal Act Section 30412(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 resources."	SLR regulation by the WQCB does not have land use authority. Permitting should use data and regulations from these Agencies in developing and applying Policies.

28	3g	Should specify: 1) That floodbank setback should be adhered to unless risk has been minimized and impacts to coastal resources have been avoided or minimized to the maximum extent feasible; 2) Whether this policy would apply to redevelopment in flood hazard areas along the shoreline (ocean and riverine); and 3) Would recommend this setback be based on expected risk in the event that >100-ft setback is needed.	See original comment.	Is this policy for new construction only or also redevelopment? MW	Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). Specific development standards for floodway and floodplain setbacks can be found in the certified Sonoma County Coastal Zoning Ordinance Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District. These standards will be reassessed during implementation of the updated Sonoma County Local Coastal Plan.	Implementation plans are done without external review making clear and verifiable policies necessary. Clarity in the LCP regarding new or existing structures should be included.
28	3h	See previous comments re: "acceptable levels"	See original comment.		Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). Specific development standards for floodway and floodplain setbacks can be found in the certified Sonoma County Coastal Zoning Ordinance Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District. These standards will be reassessed during implementation of the updated Sonoma County Local Coastal Plan.	Implementation plans are done without external review making clear and verifiable policies necessary.
28	3j	In line edit, should say:	Please incorporate previous in-line edit as such: Tentative and final subdivision maps and approved site plans shall show areas subject to flooding as designated on the Flood Rate Maps adopted by the FEMA except where more detailed parcel-specific and site-specific analyses of flood elevations and flood hazard zones based on scaled interpretations of the Flood Rate Maps are available		Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). Specific development standards for floodway and floodplain setbacks can be found in the certified Sonoma County Coastal Zoning Ordinance Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District. These standards will be reassessed during implementation of the updated Sonoma County Local Coastal Plan.	Implementation plans are done without external review making clear and verifiable policies necessary. " Tentative and final subdivision maps and approved site plans shall show areas subject to flooding as designated on the Flood Rate Maps adopted by the FEMA except where more detailed parcel-specific and site-specific analyses of flood elevations and flood hazard zones based on scaled interpretations of the Flood Rate Maps are available" adds clarity for the applicant and staff.

30	Sea Level rise forecasts		Please explain under what scenario this sea level rise forecast was made		Pages PS-30 and PS-31 of the BOS adopted LCP Public Safety Element Section 4 "Sea Level Rise Hazards" contain an extensive discussions of forecast models and why a 7-foot sea level rise was used to assess impacts from sea level rise.	
33	Table C-PS-2		If possible, please also include a list of private residences that are under risk from 7ft sea level rise	Please include several maps illustrating sea level rise scenarios - including worst case scenario. rmf	This table is intended to show major infrastructure that is at risk from sea level rise. Assessment of individual residences is beyond the scope of the Local Coastal Plan, but may be considered during implementation of the Local Coastal Plan. BOS adopted LCP Public Safety Element Programs C-PS-4-P1, C-PS-4-P2, and C-PS-	Vulnerability areas can be mapped, including worst case scenarios. Mapping would provide landowners and staff more information.
35	Exposure to inundation and erosion	(regarding the 2030 sea level rise) This should note the amount of SLR analyzed rather than just the year.	Please include a legend into all SLR figures that say amount and range of SLR.	See above	Maps will be finalized post Local Coastal Plan certification with the most recent Calfire information in addition to local response areas.	
37	4.1	See previous comment on acceptable levels	See original comment.		Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). Specific development standards for floodway and floodplain setbacks can be found in the certified Sonoma County Coastal Zoning Ordinance Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District. These standards will be reassessed during implementation of the updated Sonoma County Local Coastal Plan.	Timing of updates would be helpful. Budget constraints have not allowed timely updates.
37	4.1	Please indicate how a project specific threshold would be determined	See original comment.		Specific standards will be developed as part of implementation (Coastal Zoning Code and Admin Manual). Specific development standards for floodway and floodplain setbacks can be found in the certified Sonoma County Coastal Zoning Ordinance Article XX. - F1—Floodway Combining District, and Article XXI. - F2—Floodplain Combining District. These standards will be reassessed during implementation of the updated Sonoma County Local Coastal Plan.	Implementation plans and Adminstrative Manuals are done without external review making clear and verifiable policies necessary.

37	4.2	As previously discussed, existing development should be defined as pre Coastal Act development., see previous comments on acceptable levels	See original comment.	4g - does this restriction only apply to structures that have experienced repetitive damages or does it apply to all strctures in an area were structures have been reptitively damaged. Is repetitive defined as more than once? mw	This objective applies to all existing development, both permitted with a CDP and pre-Coastal Act development. Appendix F "Shoreline Protection Structure Guidelines" provides standards for construction, reconstruction, expansion, alteration, and/or replacement shoreline protective devices.	Appendix F states: "(1) The structure would serve or protect only an existing (i.e., in existence prior to the Coastal Act on January 1, 1977) principally permitted use, public road, or public beach. " This appears to contradict the intent.
37	4b, 4f, 4k	New policy	Please also include that these SLR numbers should also be based on best available science at a med-high risk scenario	4l Does circumstance 3 apply to new and existiting developments or just new? If it applies to existing developments these should be enumerated. mw It appears to apply to both: "In any coastal community there are three types of areas to be considered for adaptation planning: (1) undeveloped land that is considered or zoned to be developable; (2) existing unprotected development, including residential and commercial areas as well as infrastructure; and (3) existing development that has already been armored.:	The BOS adopted LCP Public Safety Element Section 4 "Sea Level Rise Hazards" contains an extensive discussions of forecast models and why a 7-foot sea level rise was used to assess impacts from sea level rise. See Policies C-PS- 4d and -4e: Policy C-PS-4d: Update hazard data every 3 years or at intervals recommended by responsible agencies, whichever is more frequent, using the best available scientific estimates, aligning with projections used by regional, state and federal agencies. Policy C-PS-4e: Use the best available science and technical analyses available in combination with site-specific information when evaluating land use or development proposals in areas subject to sea level rise and other coastal hazards.	
<b>8. Circulation and Transit</b>						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment Introduction: must include east/west traffic (not just "along" the coast) in order to address visitor &/or commuter traffic. (also see Sec. 30253 (d) and "Traffic & Circulation Conditions" rmf	BoS Adopted Draft, PS Response	SonCo_Comments.2 Must include east/west traffic (not just "along" the coast) in order to address visitor &/or commuter traffic. (also see Sec. 30253 (d) and "Traffic & Circulation Conditions"

10	REMOVED POLICY	<b>Policy C-CT-2b: Provide convenient, accessible transit facilities for youth, seniors, and persons with disabilities, and paratransit services as required by ADA. Promote efficiency and cost effectiveness in paratransit service such as use of joint maintenance facilities. (NEW)</b>	<b>This policy was removed, and seems to be an important policy to include to support transit facilities. Please provide an explanation for why it was removed.</b>	<i>√ agree (see notes on visitor/tourism/commuter east/west traffic)</i>	Compliance with applicable Federal, State, and local regulations does not require a policy, as this is a legal requirement regardless of LCP policy. For local context all transit support facilities are located outside of the Coastal Zone and no opportunity for joint maintenance can be identified within the Sonoma County Coastal Zone.	See comments on visitor/tourism/commuter east/west traffic. Another justice issue.
10	Objective 2.5	Is this referencing Appendix H? If so, this should be cited here. If it's a new document, if it contains relevant information to this chapter it should be included in the appendix.	See original comment.		Objective C-CT-2.5 should be corrected: "Develop bicycle and pedestrian facilities consistent with the Sonoma County Bicycle and Pedestrian Plan (Appendix H), LCP Public Access Plan(Appendix B), and adopted State and County park master plans to provide alternatives to automobile use.	
12	Objective 3.1	We should strive for a regional vision for a bike network including bike transportation highways. Ultimately a map/figure of this vision would be ideal.	See original comment.		Figures C-CT-1a, C-CT-1b, and C-CT-1c show the existing and proposed bicycle transportation network. Consistent with the Complete Streets Act of 2008, Sonoma County shows bicycle facilities as part of the overall transportation system. The Countywide Bicycle and Pedestrian Plan, maintained by Sonoma County Transportation Authority establishes a regional vision for bicycle connectivity that extends beyond the Coastal Zone.	East/West transportation network has to be included for planning, program development and adoption. Another equity issue.
13	3a/3b		<b>The "Sonoma County Bicycle and Pedestrian Plan" is referenced in these policies, but it's unclear what this plan is or where to locate it. Please cite appropriately.</b>		The Sonoma County Bicycle and Pedestrian Plan is included as Appendix H in the BOS adopted LCP, and will be referenced in Objective C-CT-2.5 (see above).	

13	(General Comment) on "The following policies shall be used to achieve these objectives	These policies should include: 1. Allowing bike turnouts/climbing lanes on steep climbs and blind curves, where appropriate. 2. The possible installation of bike safety signs (e.g. "Pass 3ft min" etc.) in limited numbers when balanced with visual impacts. 3. Bike pull-overs/rest stop improvements. This may be a general point that bike and ped path improvements should include rest areas especially in highly scenic locations in parks, above beaches, or scenic pull-outs with sufficient room.	See original comment.		Policies requiring turn outs, bicycle climbing lanes, and bicycle rest stops are contained in Appendix J "Caltrans Final Sonoma County Route 1 Repair Guidelines" Table 5-1. These features are also required by the 2010 Sonoma County Bicycle and Pedestrian Plan and the Sonoma County General Plan 2020. Policies C-CT-3n through C-CT-3q require development to be consistent with the Sonoma County Bicycle and Pedestrian Plan.	Appendix J should be referenced. Caltrans Appendix J is dated March 2019. Doesn't include CCC suggested policies. Many recommendations.
13	3b	At the moment the Bicycle and Pedestrian plan is just a list of projects and does not include any policies or design guidelines. This should also be cited as Appendix H	See original comment.	Enforcement &/or implementation is unlikely - so impacts will not be addressed. See also Policy CT-3t requiring mitigation. rmf	BOS adopted LCP Circulation and Transit Element policy C-CT-3a and C-CT-3b require consistency with the Sonoma County Bicycle and Pedestrian Plan, LCP Public Access Plan, and adopted State and County park master plans. Appendix H is provided as a list of specific improvements within the Coastal Zone.	Policy CT-3f: Revise County Traffic Guidelines to require that traffic studies identify impacts to existing and planned bicycle and pedestrian facilities. Consider development of bicycle and pedestrian facilities as mitigation measures for projects generating additional vehicle miles traveled and greenhouse gas emission impacts. Policy CT-3g: Develop an objective standard for identifying safety and connectivity of the bicycle and pedestrian transportation network within and connecting to the Coastal Zone ..." Funding for future actions may not be forthcoming. "Considering" an action is not mitigation,

14	3l	Please insure that this policy aligns with Caltrans Sonoma State Route 1 Repair Guidelines.	See original comment.		Appendix J "Caltrans Final Sonoma County Route 1 Repair Guidelines" Table 5-1 requires bridge projects to provide a 6-foot shoulder for bicyclists. This is consistent with BOS adopted LCP Circulation and Transit policy C-CT-3l.	Also mentioned are 4 foot shoulders. Consistent requirements or designations for placement.
14	3i(2)		Please edit accordingly "Routes and bikeway design shall be ADA compliant where feasible."	CT-3i (5) Where bus stops are located along bikeways, design bus turnouts and the bike lane to <i>AVOID</i> conflicts between passengers, buses, and bicycles. rmf	ADA is a Federal regulation and compliance is mandatory and enforced through the Building Code.	CT-3i (5) reads: "Where bus stops are located along bikeways, design bus turnouts and the bike lane to ( <i>missing word</i> ) conflicts between passengers, buses, and bicycles." Please add "avoid"
	Policy CT-3ii			"... require schools to provide continuous pedestrian pathways and bicycle facilities from adjacent residential communities to the school grounds." <i>I don't think this is legally possible, CA schools don't construct infrastructure</i>		

19	4c	Why not repair and maintenance of 116?	Is there a reasoning why this is just highway one?	Impacts from tourism affect Hwy 116 and Hwy 12 and other east/west corridors ... should be considered as impacted and mitigated as much as is feasible. "2019 Caltrans" repair guidelines should be changed to <b>current</b> guidelines. rmf	Comment refers to an earlier version of the Sonoma County LCP. BOS adopted LCP Circulation and Transit Policy C-CT-4c: "The following policies apply to Highway 1 and Highway 116 within the Coastal Zone: (1) Repair and maintenance of Highway 1 shall be consistent with 2019 Caltrans "Sonoma State Route 1 Repair Guidelines" found in Appendix K. (2) Prohibit development of new driveways along Highway 1 and Highway 116 except where reasonable access cannot be provided by using existing driveways or local roads for access. (3) Set and enforce access standards for new driveways and other encroachments to the Arterial Road system. These standards may include functional layout, location, and spacing requirements to minimize side frictions. (4) In agricultural areas, include measures such as road signs, wider shoulders, and turnouts or over/under passes to provide safer roads for the agricultural industry, residents, and visitors where compatible with the character of the area, does not impede public access, and does not impact other sensitive coastal resources.	There are other east/west roads, including but not limited to Hwy 12. Please include them.
19	Roadway Safety improvements	A general overview of the safety improvements referenced here would be helpful, especially since we are asking Caltrans to make design exemptions for safety improvements.	See original comment.	See additional intersections needing improvements: Duncans Mills: intersection of Moscow Road and Hwy 116 — needs calming and a crosswalk!  Jenner: intersections: Hwy 1 & Willig Drive, Hwy 1 & La Porte Dr./Pacific Ave, Hwy 1 Burke Avenue  Hwy 1 at Valley Ford Freestone Rd Hwy 1 at Annapolis Rd Hwy 1 & Kruse Ranch Rd. Stewarts Pt Hwy 1 & Meyers Grade Rd Bridgehaven: intersection Hwy 1 & Willow Creek Road  Hwy 1 and Coleman Valley Road rmf	Policy C-CT-4f: Road improvements intended to improve safety, especially for pedestrians, bicyclists, and users of public transit, shall be given funding priority over capacity improvements. Any new improvements must be consistent with any Caltrans and Sonoma Public Infrastructure standards.	See additional impacted intersections needing improvements: Duncans Mills: intersection of Moscow Road and Hwy 116 — needs calming and a crosswalk. Jenner: intersections: Hwy 1 & Willig Drive, Hwy 1 & La Porte Dr./Pacific Ave, Hwy 1 Burke Avenue Hwy 1 at Valley Ford Freestone Rd Hwy 1 at Annapolis Rd Hwy 1 & Kruse Ranch Rd. Stewarts Pt Hwy 1 & Meyers Grade Rd Bridgehaven: intersection Hwy 1 & Willow Creek Road Hwy 1 and Coleman Valley Road
9. Public Facilities and Services						

Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment	BoS Adopted Draft, PS Response	SonCo_Comments.2
			Please fix page numbers in this element		Comment refers to an earlier version of the Sonoma County LCP. Page numbering of the BOS adopted LCP Public Facilities and Services Element is consistent and does not contain duplicates or missed page numbers.	
7	Program C-PF 1c:		Should this be a policy?		Revised "Program" to "Policy. Policy C-PF-1c: Install charging stations for, electric, or other alternative fuel vehicles at public facilities and other visitor serving uses, and park facilities where compatible.	
8	2. Water and Wastewater Treatment Facilities	This chapter should include a discussion of Coastal Act priority uses (Coastal dependent uses, visitor serving commercial uses, coastal access and recreational facilities, and agricultural uses) and that water supply and wastewater treatment for these priorities take precedent, consistent with Coastal Act Section 30254. This discussion should also relate the Coastal Act development priorities with non-priority development, and how future water connections and wastewater treatment capacities will be distributed between these different priorities.	See general comment letter.	Water Supply: "This section is intended to address issues regarding improving water systems for moderate expansion of planned communities, developing new water systems, and extending water services to new areas not currently served." Priorities should be specific. Given the near 90% Class 4 water availability of the coastal zone - "extending water services" should be restricted. rmf	Coastal Act references can be found at the beginning of the Public Facilities and Services Element. 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.	Water Supply: "This section is intended to address issues regarding improving water systems for moderate expansion of planned communities, developing new water systems, and extending water services to new areas not currently served." Priorities should be specific. Given the near 90% Class 4 water availability of the coastal zone - "extending water services" should be restricted. Similarly, wastewater treatment must be required to verify capacity before development is approved. Priorities for expanded uses will help staff and applicants in the future.

2	Table C-PF-1	Please label which systems in the table are public or private. In addition, the title of the table should be changed since "Characteristics of Public Water Systems" implies that this table does not include private water systems.	See original comment.		The Sonoma County coast has about 16 water systems that fall under the regulatory authority of the California Water Resources Control Board as a "public water system", ranging in size from The Sea Ranch Water Company, a Community system with 1,872 connections; to the Blue Heron Restaurant, a Non-Community Transient system with one connection. Table C-PF-1 provides general information about the public and private water systems on the coast and uses system classification consistent with Section 116275 of the California Safe Drinking Water Act which is contained in Part 12, Chapter 4 of the California Health and Safety Code.	
3	Table C-PF-1	If data is available, please include another column that describes the capacity available to serve vacant lots/lots not served, eg. the number of connections available in vacant lots	See original comment.		The water systems fall under the regulatory authority of State Water Resources Control Board Division of Drinking Water. Any data available can be accessed through the State.	Direction to the SWRCB Division of Drinking Water list could be useful to applicants.
3	2a	There should be a discussion outlining Coastal Act priority uses and non priority uses in this element. Priority uses are explained in the Land Use element, but not specifically in relation to public facilities and services.	See general comment letter.	See comment above re prioritizing water services - the same should be applied to waste treatment services. rmf	Comment may refer to an older version of this policy. BOS adopted LCP Public Facilities Element Policy C-PF-2a: Growth and development shall be planned in accordance with existing water and wastewater treatment and disposal capacities. Development, including land divisions, shall be prohibited unless a master plan consistent with Policy C-PF-2d identifies adequate water and wastewater treatment and disposal capacities and facilities to accommodate such development. In acting on any Coastal Development Permit, determine that adequate capacity is available and reserved in the system to serve priority land uses as shown in Land Use Element Table C-LU-1. In areas with limited service capacity, new development for a non-priority use, including land divisions, is prohibited unless adequate capacity remains for Coastal Act priority land uses within the service area.	

3	2a	<p>(Regarding the last sentence: "In areas with limited service capacity, new development for a non priority use, including land divisions, is prohibited unless adequate capacity remains for Coastal Act priority land uses within the service area.")</p> <p>How will this be determined? Based on what? There needs to be more data and discussion on what capacity of water currently exists for future development. Specifically, this policy should lay out how and through what studies or application requirements development will prove that it has adequate water capacity to serve it, as well as how it will assure that adequate capacity remains for Coastal Act priority uses.</p>	<p>See original comment. How does the county determine that adequate capacity is available?</p>	<p>Discussion of monitoring in this LCP does not indicate that monitoring/reporting is not occurring at this time except in specific public systems, nor is it required for data collection and/or to balance supply/uses. There are no SGMA basins identified in the coastal zone. rmf Restrict extension to areas where water and sewer services are proven to be reliably available. rmf</p>	<p>Adequacy of municipal water supplies is ultimately determined by the State Water Resources Control Board, consistent with California Coastal Act Section 30412(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 resources." Table C-PF-1 shows current capacity of public water system in the Coastal Zone based on information provided by California Water Resources Control Board Division of Drinking Water. Policy C-PF-2d identifies requirements for providing information from these master plans to the County. The standards for establishing thresholds for allocating available capacity will be determined during implementation of the updated Sonoma County Local Coastal Plan.</p>	<p>Discussion of monitoring in this LCP does not indicate that monitoring/reporting is not occurring at this time except in specific public systems, nor is it required for data collection and/or to balance supply/uses. There are no SGMA basins identified in the coastal zone. Restrict extension to areas where water and sewer services are proven to be reliably available. Implementation plans and Administrative Manuals are done without external review making clear and verifiable policies necessary.</p>
3	2d		<p>What about current facilities? This seems to only address when facilities are being expanded or improved. The sentence "In the event that a master plan or monitoring fails to show adequate facilities or supplies for existing development, zoning changes, building permits, or other entitlements in order to protect services to existing residents." Does not make sense as written. Should it say "enact zoning changes"?</p>	<p>"In the event ... fails to show adequate facilities or supplies ... to protect services to existing residents ..." expansion shall not be permitted. rmf</p>	<p>Policy C-PF-2d was carried over from General Plan Policy PF-1b, and the two policies are intended to be consistent with each other. Suggested change for consistency (bold is GP2020 text): "Master plans or equivalent documentation shall be prepared for all water and wastewater management systems prior to approval of facility expansion or improvement projects. All facilities shall be designed and constructed in accordance with the existing and planned development in the applicable jurisdictions. In the event that a master plan or monitoring fails to show adequate facilities or supplies for existing development, consider moratoria on zoning changes, building permits, or other entitlements in order to protect services to existing residents.</p>	
4	2f		<p>Please fix policy labeling</p>		<p>Policy labeling is correct in the BOS adopted LCP Public Facilities and Services Element. Comment appears to refer to an earlier LCP draft.</p>	

3	2f(3)	Please qualify this statement. Which organizations are providing certifications?	This was edited to say master facility plan instead, however it seems that master facility plans are only required for NEW or expanded facilities per Policy 2d.	Program C-Pf-2-P4: Jenner Water May be inadequate for existing development. Surface water source vulnerable to climate change. (297 parcels total)	Comment references a policy number found in an earlier version of the LCP. BOS adopted LCP Public Facilities and Services Policy C-PF-2d requires a master facilities plan to be submitted prior to improvement or expansion of a facility. Master facilities plans for existing water and wastewater systems are required by the California Public Utilities Commission for investor-owned (private) facilities, and by the California Department of Water Resources for public water districts.	
<b>10. Cultural Resources</b>						
Page	Policy Number	Original Comment	New Comment	SonCo_Additional Comment	BoS Adopted Draft, PS Response	SonCo_Comments.2
1		Please also include a policy on the process for if these is discovery of archaeological or paleontological resources. Sample language from the Half Moon Bay Certified LCP: Discovery of Archaeological and Paleontological Resources. Regardless of site	See original comment.	Policy C-CH01e: (7) Identify and recommend implement means to remove procedural impediments to working directly and effectively with Tribes. rmf	Policy C-CH-1g references applying standard conditions requiring notification and evaluation in the event of the discovery of a burial or suspected human remains or other cultural resources. These standard conditions are applied to all discretionary projects. Conditions may change depending on responses during formal consultation however this sets the	
	3: 1a	Please include an overview of the Northwest Information Center at Sonoma Center in the introduction.	See original comment.		Background on Northwest Information Center at Sonoma State University was not included because the Board did not direct us to include more details on this. The Northwest Information Center is one of the nine information centers affiliated with the State of California Office of Historic Preservation (OHP) in Sacramento.	

3:1c		<p>This policy is a good start, but there should be a complementary policy that requires monitoring when a site is identified to have archaeological or paleontological resources. Example language from HMB certified LCP: In addition, consider including in the IP or appendix, standardized monitoring requirements for development projects like these. Archaeological and Paleontological Resources Monitoring. Require, where a pre-development survey identifies the potential to affect known or newly discovered archaeological, Native American, or paleontological resources, the submittal of a monitoring and reporting plan that identifies methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.</p>				
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VIA EMAIL

[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)  
Stephanie Rexing, District Manager

[Luke.Henningsen@coastal.ca.gov](mailto:Luke.Henningsen@coastal.ca.gov)  
Luke Henningsen, Coastal Planner

Re: Sonoma County Local Coastal Plan Update – Comments from Bodega Harbour Homeowners Association (BHHA)

District Manager Rexing and Coastal Commission Staff:

The Sonoma County Draft Local Coastal Plan (LCP), Appendix B, Public Access Plan, page 88, contains provisions of concern to the Bodega Harbour Homeowners Association (“BHHA”). We request the LCP provision identified above be modified as follows:

*(I-34 Estero Ranch) In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane, which is the only road connecting Estero Ranch to the public road network. ~~Trail a~~ Access is ~~either~~ via the ~~California Coastal Trail segment between Bodega Harbour and~~ the mouth of the Estero Americano running along the Pacific Ocean. ~~Future trail access may connect Short-Tail Gulch to Estero Ranch.~~ A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.*

***Proposed Improvements and Programs:***

- 1. Plan and develop appropriate public access, education, and research compatible with the site’s fragile ecosystem.*
- 2. Maintain agriculture and related infrastructure on the preserve to support grassland health.*

Our rationale is simple – access to the contemplated Estero Ranch trail system through Bodega Harbour is not permitted from the Short Tail Gulch Beach Access Trail

easement. The grand deeds creating the trail easement and other related conveyances expressly restrict the use of those grants as follows:

**The purpose of the Grant Deed is to “insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development.**

Estero Ranch is not in the Bodega Harbour Development; thus, access via the easement is not permitted. This conclusion is more fully addressed in the attached June 8, 2023, letter from BHHA counsel, Clement Fitzpatrick and Kennedy, to the Sonoma County Board of Supervisors concerning the Local Coastal Plan update.

Additionally, BHHA is troubled about the harm that the contemplated access would cause to our community.

In 2015, The Wildlands Conservancy (TWC) acquired the 547-acre Estero Ranch property located south of Bodega Harbour. At the end of November, in apparent anticipation of the Coastal Commission's certification of the LCP, TWC applied to Sonoma County for a Coastal Development Permit to create a five-mile trail system on the ranch.

Under the TWC proposal, Short Tail Gulch would be the only access to the trail system other than beach access. The proposed project would not to add additional parking, trash, or sanitation facilities. Neither would a project enhance narrow residential streets that serve the adjacent community. Access would be permitted from dawn to dusk. The proposed trail system would also have a picnic area and Kayak launch site.

The attached December 14, 2023, letter from the BHHA to Sonoma County documents adverse impacts to our community that must be mitigated, including traffic, parking, trash, sanitation, aesthetics, public safety, emergency service access, and the increased risk of wildfires. The letter also explains how the proposal conflicts with the pending LCP and provisions of state law. Project alternatives that must be evaluated are also preliminarily addressed in the correspondence.

In light of these adverse impacts and the use constraints on the Short Tail Gulch easement, it seems imprudent that the LCP Public Access Plan rely on Short Tail Gulch as the only means to provide hiker access to Estero Ranch (other than beach access).

Sincerely,

Kim John Kilkenny  
President

Attachments 2



December 14, 2023

Via Email only: (Jacob.Sedgley@sonoma-county.org).

Jacob Sedgley  
Sonoma County Project Planner

**RE: Estero Trail Easement: Designation of Trail, Quarters and Associated Staging Areas and Construction and Operation of Recreational Amenities Project – CPH 23-0011**

The Bodega Harbour Homeowners Association (BHHA) submits these preliminary comments on, CPH 23-0011, The Wildlands Conservancy (TWC) application for a Coastal Development Permit for a proposed trail and public access plan for 547-acre Estero Ranch property.

The BHHA does not oppose public access to the Estero Ranch. However, such access should be in a lawful location and impacts on surrounding neighborhoods, including Bodega Harbour should be fully evaluated and mitigated.

The proposed project seeks to create a 5-mile-long trail system within Estero Ranch that can be accessed by crossing over land owned by BHHA. Neither the public nor TWC have lawful access to Estero Ranch over the project's proposed route. The proposed project contemplates the construction of a "gate" at the top of the Short Tail Gulch Beach Access Trail at the boundary of the BHHA land and Estero Ranch. The entirety of the Short Tail Gulch Beach Access Trail is on BHHA land.

We assume that the applicant imagines the public has the right to use BHHA land to access Estero Ranch because the applicant's property abuts the Short Tail Gulch Beach Access Trail. They are mistaken.

The Short Tail Gulch Beach Access Trail was established in 1977 when BHHA's predecessor in interest dedicated the beach trail easement to Sonoma County. The express purpose of the easement is to "insure reasonable public access to and full public use of all *beach areas in the Bodega Harbour Development*". Estero Ranch is not a "beach area within the Bodega Harbour Development."

Thus, the project cannot be constructed as proposed because neither the public nor TWC have access over private BHHA land. Therefore, if the applicant seeks to provide access to their 5-mile-long trail system, the proposed project, and the requisite environmental review should, at a minimum, evaluate alternative points of access.

## CRITICAL TOPICS AND ISSUES THAT MUST BE EVALUATED IN A FULL ENVIRONMENTAL IMPACT REPORT

The discussion below explains why the proposed project conflicts with the 1977 Stipulated Judgment, which binds the California Coastal Commission and Sonoma County. Additionally, the discussion further examines why the proposed project is inconsistent with the local coastal plan, state law, and county regulations and policies. The discussion also identifies potential significant adverse impacts caused by the project. Finally, the discussion provides an initial discussion on alternatives to the proposed project that must be evaluated.

### LAWFUL ACCESS

On October 2, 1968, the Sonoma County Planning Commission approved the Bodega Harbour Subdivision, permitting 1,626 homes. On November 8, 1972, the voters of California enacted the California Coastal Zone Conservation Act. This initiative was superseded by the California Coastal Act of 1976 (Coastal Act).

The newly created Coastal Commission sued the Bodega Harbour developer, Transcentury Properties (“Transcentury”), asserting that the new law required Transcentury to secure a coastal permit for the Bodega Harbour subdivision. The Sonoma County Superior Court found in favor of Transcentury and ruled that the subdivision was vested and therefore exempt from the Coastal Act.

An appeal ensued, during which the Coastal Commission and Transcentury negotiated a settlement agreement to resolve the conflict, which, among other conditions, reduced the number of permitted homes to 725. On June 1, 1977, the Sonoma County Superior Court approved a stipulated judgment approving the Settlement Agreement and ordered Transcentury and the Coastal Commission to comply with the agreement’s conditions and requirements. *Transcentury Properties, et al. v. California Coastal Zone Conservation Commission, et al.*, Sonoma County Superior Court Case No. 73865 (“Stipulated Judgment”)

The Stipulated Judgment required Transcentury to convey to assorted public agencies (primarily Sonoma County) various interests in land, as listed below:

- Tract A. Beach/Bluff land, conveyed in fee to the County become part of Doran Beach Park.
- Tract B. Pinnacle Gulch parking lot easement granted to the County.
- Easement C. Pinnacle Gulch beach access easement granted to the County.
- Tract D. Bruhn Ranch open space and conservation easement granted to the County.
- Tract E. Bruhn Ranch school site granted to the school district, subsequently expired.
- Tract F. Tideland Marsh quit claim deed.
- Easement G. Short-Tail Gulch trail easement granted to the County.

The proposed Estero Ranch trail and access plan conflicts with the terms and conditions imposed by this Stipulated Judgment. This conflict is more fully addressed in the attached June 8, 2023, letter from BHHA counsel, Clement Fitzpatrick and Kennedy, to the Sonoma County Board of Supervisors concerning the Local Coastal Plan update. Below are the relevant excerpts from the Stipulated Judgment documenting that the exclusive purpose of the Short Tail Gulch Beach Access Trail is beach access the Bodega Harbor Development. Thus, the Short Tail Gulch Beach Access Trail cannot be used for inland access to Estero Ranch.

#### Intention of the Grantor:

The purpose of the Grant Deed is to *“insure reasonable public access to and full public use of all **beach area** in the Bodega Harbour Development.”* (Grant Deed, page 1)

#### Pinnacle Gulch Beach Access– “Easement C”

*“A reasonable public pedestrian easement from Mockingbird Road through Pinnacle Gulch to the **ocean beach** ....”* (Stipulated Judgment, page 12, paragraph 4)

#### Pinnacle Gulch Parking Lot – “Tract B”

*“Grantor hereby grants to the County of Sonoma a parcel of land within the Bodega Harbour development as described above, adjacent to Mockingbird Road, more particularly described in the Appendix hereto as Tract “B.” The above described parcel shall be referred to hereinafter as “Tract B”. Said dedication of Tract B to the County shall be upon condition, and subject to a right of reentry for condition broken such that Grantor or his successors or assigns may reacquire fee simple title to said parcel by appropriate judicial proceedings should the County intentionally permit said parcel to be used in any way other than a) retention in its natural state or b) as a public parking area for use by members of the public to park their vehicles during daylight hours as and while they use the pedestrian access easement hereinafter described and the beach.”* (Grant Deed, page 2, paragraph 2) (emphasis added)

#### Short-Tail Gulch Beach Access Easement – “Easement G”

*“Grantor further grants to the County of Sonoma a pedestrian access easement to connect a presently dedicated easement **through Shirt Tail (sic) Gulch to the beach** with public roads as planned under the new development plan agreed to by the parties hereto.”* (Grant Deed, page 5, paragraph 7)

## CONFLICT WITH THE LOCAL COASTAL PLAN

The proposed project runs afoul of numerous Local Coastal Plan Public Access Element Goals, Objectives, and Policies.

LCP Provision	Propose Project's Significant Adverse Impact.
Objective C-PA-3-4: Develop and maintain public accessways to protect public health and safety, protect sensitive visual and natural resources, and <u>prevent adverse impacts on adjacent properties.</u> (Page PA-25)	The proposed project adversely impacts adjacent properties, including a residential neighborhood, by creating trash, overcrowding, noise, congestion, traffic, and overwhelming parking, in human ways due to the lack of sanitary facilities. Additionally, the overcrowded conditions and street parking will restrict fire and emergency access to the adjoining neighbors. This impact will be felt from dawn to dusk.
Policy C-PA-3c: <u>The distance between coastal access trails and residences should be as large as possible to protect the quality of the user experience and the privacy of the occupants of the residence. Access facilities shall be designed and managed to minimize conflicts with residential development.</u> (PA-30 & 31)	The distance between the trailhead and the adjoining residence is about 80 feet, greatly impacting the privacy of the occupants of the residence. This impact will be felt from dawn to dusk.
4.1 Goal, Objectives, and Policies: Objective C-PA-4.1: Ensure that adequate parking facilities, including no-or low-cost parking improvements, are provided for each new or expanded public access facility.	Parking for the existing use of Short Tail Gulch Beach Access Trail is grossly inadequate. Increased demand for parking by permitting the trailhead to be used for a 5-mile inland access trail system will exacerbate an already intolerable situation. This impact will be felt from dawn to dusk.
Policy C-PA-4a: <u>Develop adequate parking facilities in conjunction with development of new public access facilities.</u> Parking may be developed in phases as use levels increase. At public access facilities, provide the maximum parking capacity that does	The proposed project will greatly increase the demand for public parking, but provides no additional parking. This impact will be from dawn to dusk.

not reduce public safety or significantly impact the environment.	
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**CONTRAVENES STATE LAW**

California Public Resources Code §30214 establishes the manner in which public access should be granted on private property. The proposed project conflicts with several of the statute’s provisions.

California Public Resources Code Provisions	Propose Project’s Significant Adverse Impact.
Subsection (a)(3) requires a review of “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 <u>the proximity of the access area to adjacent residential uses.</u> ” (Emphasis added).	The LCP the entrance to the Short-Tail Gulch Trail is only 35 feet from the nearest residential lot and 80 feet from the closest home. Already, residents cannot park on the street on popular weekends when dozens of vehicles take the street spaces. First responders cannot drive emergency vehicles through Osprey or Mockingbird Road when public visitors to the area park on both sides of the small residential streets. There are no county-regulated parking hours on these streets. The extent of county parking regulation on these popular tourist public trails consists of a red curb on Mockingbird Road that limits parking to one side of the street near Pinnacle Gulch Trail.
Subsection (a)(4) states: “The need to provide for the management of access areas so as to <u>protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.</u> ”	The burden on a community is significant when unfettered access to a trail is located in an established neighborhood. Sonoma County responsible for the maintenance of the two existing Bodega Harbour coastal access trails. Current trail maintenance is deficient. There is a single garbage can at the entrance of Short-Tail Gulch Trail. The trailhead is across the street from private

	homes. There is no privacy from the public who park in front of the homes access to the trail. Residents report they pick up much discarded litter including beer cans, baby diapers, and food containers.
Finally, subsection (b) requires that the public access policies of the state 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”.	The proposed project would add hundreds of visitors to an already overburdened and poorly maintained coastal access trail system. Allowing additional traffic is unreasonable, out of balance, and not sustainable. Such additional traffic was never anticipated when the two Bodega Harbour trails were created. The existing Pinnacle Gulch 18 space parking lot was never intended to serve this additional demand, nor was the street system (widths or configuration) or on-street parking intended to serve such a significant expanded demand.

### TRAFFIC IMPACTS

BHHA eagerly awaits the preparation and evaluation of the proposed project’s traffic study. Prior to its availability, it should be noted that South Bodega Harbour contains about 582 homes, a regulation golf course, a clubhouse, a publicly accessible restaurant, and associated recreational member amenities, as well as public beach access trails and an 18-space county-owned publicly accessible parking lot. All of these uses are accessed by a single entrance off Highway One. Vehicular circulation throughout the community is generally on narrow residential streets. The distance between the entrance into South Harbor and the proposed new interest in Estero Ranch is approximately 1.5 miles. Street parking within Bodega Harbor is essentially unregulated by the county Sheriff. Bodega Harbour has a sizable short-term rental market, including homes frequently occupied by multiple families, especially on weekends and holidays. The golf course serves around 30,000 rounds per year. Peak demand for golf and vacation rentals is on weekends and holidays during good weather, the same days when Doran Beach parking lot tends to be closed. As discussed in greater depth elsewhere, visitors frequently park on Bodega Harbour residential streets to access the beach. Adding a new visitor destination at the southern end of the Bodega Harbour community, 1.5 miles off of Highway One, aggravates an existing traffic.

## PARKING IMPACTS

The public parking within the Bodega Harbour potentially available to serve the proposed project is limited to:

- 18 public spaces in the Pinnacle Gulch parking lot;
- 6 public spaces at Owl Court, a residential cul de sac;
- on-street parking in the residential neighborhood;

This public parking is already insufficient to serve Bodega Harbour' two existing public coastal access trails. Locating a new visitor, serving amenity in Bodega Harbour, especially at the southern end of Bodega Harbour near Short Tail Gulch will compound an existing deficiency.

The Pinnacle Gulch parking lot is 0.6 miles from the proposed Estero Ranch gate. To access the proposed entrance to Estero Ranch, people using this parking lot have to walk up and down a very steep hill on an estimated 28-foot curb-to-curb roadway. The 18 public spaces at the Pinnacle Gulch parking lot are already inadequate to serve the existing causal access trails. Additional demand for parking as contemplated by the proposed project cannot be met. It is important to note the Pinnacle Gulch parking lot was sized to serve a 1970's county population of about 204,000 residents. Today's county population is about 409,000 residents.

The 6 public parking spaces on Owl Court are proximate to the proposed entrance to Estero Ranch, but, while public, they are really designed to serve the homes on Owl Court. The court contains five homes. The lots and street are configured so that there are only two on-street parking spots. The parking spaces in the middle of the court are clearly placed to serve the adjacent homes. Using these spaces to serve hikers removes those spaces from being used by the adjacent homes and is a clear intrusion into the privacy of this otherwise intimate cul-de-sac.

There is some on-street parking near the proposed entrance to Estero Ranch. The problem is that the paved street sections are only 28 feet wide curb-to-curb (sometimes less). If cars are parked on both sides of the street, travel lanes are reduced to less than 14 feet. As discussed elsewhere, this creates a hazardous situation, impeding the free flow of emergency vehicles to this, the most remote portion of the Bodega Harbour community. In the past, the Bodega Bay Fire Department requested that parking be prohibited on both sides of Mockingbird Drive near the Pinnacle Gulch parking lot, a request that has been partially implemented. Additional traffic and parking in the neighborhood caused by the proposed new access to Estero Ranch will exacerbate any emergency hazards and the availability of parking.

The application identifies the 232 day-use parking spaces at Doran Park as available to serve the proposed project. This is seriously misleading.

First, day use parking at Dornan Park is 2.5 to 3.3 miles from the proposed new entrance into Estero Ranch.

Second, the most severe adverse impacts caused by the proposed new entrance into Estero Ranch would occur on busy weekends when parking to Doran Park is closed due to overcrowding. On those weekends, would-be beach visitors divert to the next most convenient place from which to access the beach, Bodega Harbour. Visitors park cars along Bodega Harbour's public streets and in BHHA private parking lots to access the beach, frequently trespassing over private lots and BHHA-owned land to reach their destination. They use BHHA restrooms, showers, and private trails. Adding a new visitor destination at the southern end of the Bodega Harbour community, 1.5 miles off of Highway One, aggravates an existing problem.

#### **PUBLIC SAFETY IMPACTS – TRASH AND OTHER ADVERSE IMPACTS**

Parking is but one issue that will impact the association's residents, visitors, and renters. The public visitors to the bodega Harbour's to coastal Access trails already burden residents:

- they leave litter on the trail and on residents' properties;
- trespass on nearby residential lots;
- trespass on the Association common area; climb over Association fences to gain access to a short-cut to the Gulch trail;
- disabled locks on gates limiting public access to the Association common area;
- collect in groups on the street and sidewalks impeding residents' ingress and egress;

#### **PUBLIC SAFETY IMPACTS – SANITATION**

There are a pair of toilets at the Pinnacle Gulch Parking Lot to serve visitors using the two Bodega Harbour Beach Access Trails. These toilets are approximately one-half mile from the proposed new entrance to Estero Ranch. The proposed project would create additional demand for sanitary facilities. Failure to provide additional sanitary facilities will cause a threat to public health, a burden on existing residents, and a significant unmitigable impact.

#### **PUBLIC SAFETY IMPACTS – FIRE AND EMERGENCY SERVICES.**

As discussed relative to parking and traffic, BHHA is gravely concerned about the proposed project's impact on fire, law enforcement, and emergency services. The proposed project is at the southern end of the Bodega Harbour development, approximately a mile and a half from Highway One. The proposed new entry to the Estero Ranch's five-mile-long trail system is approximately 2.3 miles from the nearest fire station. Roads within Bodega Harbour are generally narrow, typically 28 feet wide curb-to-curb. The roads from the Pinnacle Gulch Parking Lot to the new entrance to Estero Ranch are all 28 feet wide or narrower. The Bodega Harbour Fire Department previously expressed concerns about accessing the Short-Tail Gulch trail because of the steep grade and narrow streets, along with visitors and hikers parking on both sides of the road. The proposed project will compound existing emergency service issues.

## PUBLIC SAFETY IMPACTS – WILDFIRE

The Sonoma County Wild Fire Risk Index evaluates the relative fire risk for geographic areas within the county. The evaluation considers a variety of different factors, including “Ember load index” (which incorporates consideration of surface in canopy fuel characteristics, climate, topography, and wind), structural density, the number of roads in and out of a community, and speed limits. The analysis concludes that Bodega Harbour bears a relatively “high level of risk” of wildfire, the riskiest level identified along the entire Sonoma Coast. Increasing unsupervised hiker access to a 5-mile-long trail system adjacent to Bodega Harbour increases the risk of wildfire.

## PROJECT ALTERNATIVES

In light of the significant unmitigated adverse impacts likely to be caused by the proposed project, it is apparent that a range of reasonable project alternatives must be seriously evaluated.

In addition to the no-project alternative, the environmental analysis should consider a “Docent Only Alternative,” similar to that considered as part of the Bordessa/Estero EIR, summarized as follows:

Under the docent only alternative public access on the trails, and to the Estero would only be allowed accompanied by a docent approved by County Regional Parks. The access gate would remain locked at all times and would only be opened by the docent. County Regional Parks would provide information and oversee the day/time docent-led tours would occur. The public would be required to arrange a day and time to meet the docent to access the trails.

Additionally, the EIR should evaluate the feasibility of, and impacts caused by, trail access at other sites.

Finally, concerning alternatives, BHHA would appreciate an opportunity to review the project’s proposed Project Objectives, and receive a copy of the County CEQA thresholds. It is important that the objectives be reasonable and not preclude legitimate consideration of project alternatives.

Thank you for your consideration,

Kim John Kilkenny  
President,  
Bodega Harbour Homeowners Association



The proposed LCP provision rightly acknowledges that a “coastal access” trail along Short-Tail Gulch was required as a condition of approval for the Bodega Harbour Subdivision. The provision also correctly notes that parking is available about ½ mile away near the Pinnacle Gulch trailhead. However, the draft LCP provision appears to suggest Short-Tail Gulch trail can provide direct inland pedestrian access to Estero Ranch. It cannot. The dedicated easement for beach access the developer granted to the County on June 2, 1977, states: **The Short-Tail Gulch trail can only be used for public beach access from Bodega Harbour and any expanded use is prohibited.** This land use restriction also applies to the parking lot on Mockingbird Road and the Pinnacle Gulch trail.

### **BACKGROUND**

On October 2, 1968, the Sonoma County Planning Commission approved the Bodega Harbour Subdivision permitting 1,626 homes. On November 8, 1972, the voters of California enacted the California Coastal Zone Conservation Act designed to protect the natural resources of the California coastline. This preservation was superseded by the California Coastal Act of 1976 (Coastal Act). The newly created Coastal Commission sued the Bodega Harbour developer, Transcentury Properties (“Transcentury”), asserting that the new law required Transcentury to secure a coastal permit for the Bodega Harbour subdivision. The Sonoma County Superior Court found in favor of Transcentury and ruled that the subdivision was vested and therefore exempt from the Coastal Act. An appeal ensued, during which the Coastal Commission and Transcentury negotiated an agreement (“Settlement Agreement”) to resolve the conflict, which amongst other conditions, reduced the number of permitted homes to 725.

On June 1, 1977, the Sonoma County Superior Court approved a stipulated judgment approving the Settlement Agreement and ordered Transcentury and the Coastal Commission to comply with the agreement’s conditions and requirements. *Transcentury Properties, et al. v. California Coastal Zone Conservation Commission, et al.*, Sonoma County Superior Court Case No. 73865 (“Stipulated Judgment”)

The Stipulated Judgment required Transcentury to convey to assorted public agencies (primarily Sonoma County) various interests in land, as listed below:

- **Tract A.** Beach/Bluff land, conveyed in fee to the County become part of Doran Beach Park.
- **Tract B.** Pinnacle Gulch parking lot easement granted to the County.
- **Easement C.** Pinnacle Gulch beach access easement granted to the County.
- **Tract D.** Bruhn Ranch open space and conservation easement granted to the County.
- **Tract E.** Bruhn Ranch school site granted to the school district, subsequently expired.
- **Tract F.** Tideland Marsh quit claim deed.
- **Easement G.** Short-Tail Gulch trail easement granted to the County.

Attachment A depicts the location of the pertinent conveyances.

Section XI, Paragraph 5 of the Settlement Agreement addresses Pinnacle Parking Lot, Pinnacle Gulch beach access easement and the Short-Tail Gulch beach access easement. The terms and conditions of these conveyances are enumerated in the draft Grant Deed, attached to the Stipulated Judgment as Exhibit "B." ("Grant Deed")

### **GRANT DEED BINDS THE STATE AND THE COUNTY**

The Grant Deed binds Transcentury, the Coastal Commission and the County in perpetuity, as follows (emphasis added):

- The purpose of the Grant Deed is to “insure reasonable public access to and full public use of all **beach area in the Bodega Harbour Development**.” (Grant Deed, page 1)
- “Grantor desires that said real property shall **forever** remain as open space either in its natural state or as agricultural land, devoted **only to those uses** set forth above...” (Grant Deed, page 1)
- “The County and the Department of General Services on behalf of the State of California have agreed to receive interests in various portions of the real property comprising the Bodega Harbour subdivision and grantor's adjacent property as set forth below upon the understanding that the foregoing expressed **intentions of Grantor shall forever be honored and defended**...” (Grant Deed, page 8)

On June 2, 1977, Transcentury conveyed land as required by the Stipulated Judgment and the Grant Deed, including the Pinnacle Parking Lot, and the Pinnacle Gulch and Short-Tail Gulch beach access easements. Attachment B depicts the Short-Tail Gulch beach access easement.

Since 1977 the Pinnacle Parking Lot and the Pinnacle Gulch and Short-Tail Gulch beach access easements have been used in compliance with the terms and conditions of the Stipulated Judgment - to provide pedestrian access to the “beach area in the Bodega Harbour Development”. The parking lot and beach access easements have never been used to access Estero Ranch during the last 46 years, because (1) such access was not contemplated or permitted in the grant deeds and (2) Estero Ranch was an active ranching operation until the Coastal Conservancy and its partners purchased the property. No legal or historical use of the easements beyond the coastal access special purpose has ever occurred.

**THE WILDLIFE CONSERVANCY ACQUISITION OF ESTERO RANCH**

In 2015, the California Coastal Conservancy authorized grant funding to enable the purchase of Estero Ranch, currently managed by The Wildlife Conservancy (TWC). On page 3 of the accompanying staff report the Coastal Conservancy detailed Estero Ranch access as follows:

*“Vehicular access to the property is from Highway 1 and Estero Lane. Pedestrian access for hiking a future segment of the California Coastal Trail is from the Short Tail Gulch Trail, an accessway improved with Conservancy funding in 2003 and managed and maintained by Sonoma County Parks that runs from the beach along the southern edge of the subdivision.”*

To be clear, it was envisioned that vehicular access to Estero Ranch was from Highway 1 and Estero Lane. The Short-Tail Gulch Trail was to be used for pedestrian access to the beach and the California Coastal Trail that parallels the beach. Short-Tail Gulch was **NOT** to provide inland access to Estero Ranch.

In December 2015 TWC and its partners purchased the 547-acre Estero Ranch property. When TWC closed on the property, the new owner recorded a covenant that “public access to the property will be from the coast.” (*Tibbetts, et al. v. State Department of Transportation, et al.*(2019)Court of Appeal, First District, Div. Three, p. 7, later dismissed.)

Thereafter TWC engaged in discussions to allow the California Department of Transportation (Caltrans) to perform habitat mitigation on Estero Ranch. The parties contemplated access to the mitigation site over Estero Lane. Estero Lane is a 2.12-mile roadway, from Highway 12 to Estero Ranch. The first 1.52-mile section of Estero Lane is a public road; the remaining .6-mile segment is an easement over land owned by two family ranchers. TWC’s right to use the easement to access the Estero Ranch has been subject to significant litigation between TWC and the ranchers since 2017. *Tibbetts, et al. v. State Department of Transportation, et al.* filed in Sonoma County Superior Court on June 29, 2017 (SCV-260916). The parties entered into a Stipulated Judgment on January 27, 2020. The court-approved judgment reduced TWC’s options for access to Estero Ranch. The adjoining ranch property owners granted TWC *a license* for limited use of Estero Lane. Estero Lane is not a public entrance to Estero Ranch.

**PUBLIC ACCESS TO ESTERO RANCH IS LIMITED  
TO ACCESS FROM THE COAST**

The *Tibbetts* Settlement severely restricted public access from Highway 1 to Estero Ranch. This litigation between TWC and neighboring ranchers eliminated the planned access from Estero Ranch to the California Coastal Trail on Highway 1. Knowing that public access would primarily

be access from the coast, the TWC attorneys added a provision in the *Tibbetts* Settlement concerning “Public Hiking Access”:

“12. **PUBLIC HIKING ACCESS TO WILDLANDS PROPERTY:** The PARTIES recognize that WILDLANDS intends to develop hiking access to the WILDLANDS PROPERTY from the Shorttail Gulch and Pinnacle Gulch parking areas. Nothing in this paragraph shall prejudice or restrict any rights of the MICKELSONS or the TIBBETS related to this intended development by WILDLANDS.” *Tibbetts* Settlement, “*Agreement*” pp. 4-5.

The neighboring ranchers agreed to this settlement provision in January 2020. However, this provision does not bind BHHA, who was not a party to the *Tibbetts* litigation, and on whose property both beach access trails and the parking lot are located (Pinnacle Gulch and Short-Tail Gulch). BHHA does not now and did not then consent to the use of its properties for access to the Estero, or TWC property.

Access to TWC’s property is restricted to coastal access as originally envisioned when the parties purchased the property, and a limited license using Estero Lane as provided for in the *Tibbetts* Settlement. There is no access to Estero Ranch from the Short-Tail Gulch Trail or the Pinnacle Gulch parking areas as stated in the *Tibbetts* Settlement. These access points do not exist, and cannot be established.

**TWC DRAFT PUBLIC ACCESS PLAN FOR RECREATION**  
**AT ESTERO AMERICANO COAST PRESERVE**

In March 2023 TWC informed the BHHA that the conservancy planned to pursue a “Draft Public Access Plan for Recreation at Estero Americano Coast Preserve” (Preserve). Phase 2 for this ambitious plan includes “Scheduled Short Tail Gulch Access” in 2024. The written draft plan was emailed to BHHA representatives prior to a scheduled April 2024 Zoom session between TWC, their partners, and BHHA representatives. The draft plan stated:

“Construction and improvements include...installation of an entrance gate located adjacent to the Sonoma County Regional Parks Shorttail Gulch Trail...”

Thus, TWC’s planned access to their Preserve was to *construct a gate along the Short-tail Gulch beach access easement to allow hikers to cross BHHA common area to enter Estero Ranch.* (See Attachment C). Once again, BHHA does not now and did not then consent to this proposed use of their property.

In April, 2023 TWC coordinated a Zoom session with representatives of BHHA to discuss TWC's plans, and promised to forward additional information requested by BHHA at the meeting. Nothing has been received from TWC in response to the requests.

Bodega Harbour is a residential subdivision located to the northwest of Estero Ranch. The BHHA is a non-profit mutual benefit corporation. BHHA has never agreed to this "public hiking access" point to Estero Ranch. Nor can BHHA agree to the proposal because of the original restrictions in establishing the Short-Tail Gulch trail that bind both the BHHA and the County as discussed herein.

**INLAND ESTERO RANCH PEDESTRIAN ACCESS**  
**CONFLICTS WITH USE RESTRICTIONS**

TWC's plan for a proposed gate to allow inland pedestrian access from the Short-Tail beach access trail in Bodega Harbour through to Estero Ranch conflicts with the terms and conditions imposed by the *Transcentury* Stipulated Judgment/Grant Deed, as follows (emphasis added):

**Intention of the Grantor:**

The purpose of the Grant Deed is to "*insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development.*" (Grant Deed, page 1)

**Pinnacle Gulch Beach Access– "Easement C"**

"*A reasonable public pedestrian easement from Mockingbird Road through Pinnacle Gulch to the ocean beach ....*" (Stipulated Judgment, page 12, paragraph 4)

**Pinnacle Gulch Parking Lot – "Tract B"**

"*Grantor hereby grants to the County of Sonoma a parcel of land within the Bodega Harbour development as described above, adjacent to Mockingbird Road, more particularly described in the Appendix hereto as Tract "B."* The above described parcel shall be referred to hereinafter as "Tract B". Said dedication of Tract B to the County shall be upon condition, and subject to a right of reentry for condition broken such that Grantor or his successors or assigns may reacquire fee simple title to said parcel by appropriate judicial proceedings should the County intentionally permit said parcel to be used in any way other than a) retention in its natural state or b) as a public parking area for use by members of the public to park their vehicles during daylight hours as and while they use the pedestrian access easement hereinafter described and the beach." (Grant Deed, page 2, paragraph 2) (emphasis added)

**Short-Tail Gulch Beach Access Easement – “Easement G”**

“Grantor further grants to the County of Sonoma a pedestrian access easement to connect a presently dedicated easement **through Shirt Tail (sic) Gulch to the beach** with public roads as planned under the new development plan agreed to by the parties hereto.” (Grant Deed, page 5, paragraph 7)

**CONCLUSION**

We request the LCP provision identified above be modified as follows:

***(I-34 Estero Ranch)***


*In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane, which is the only road connecting Estero Ranch to the public road network. ~~Trail~~ Access is ~~either~~ via ~~the~~ California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. ~~Future trail access may connect Short Tail Gulch to Estero Ranch.~~ A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.*

***Proposed Improvements and Programs:***

- 1. Plan and develop appropriate public access, education, and research compatible with the site’s fragile ecosystem.*
- 2. Maintain agriculture and related infrastructure on the preserve to support grassland health.*

Thank you for your consideration of the enclosed and for your continued service to our beautiful community.

Sincerely,



ERIN B. CARLSTROM

/ebc

attachments

c(w/att.): Jennifer Klein, Chief Deputy County Counsel (*via email*)

Verne Ball, Deputy County Counsel (*via email*)

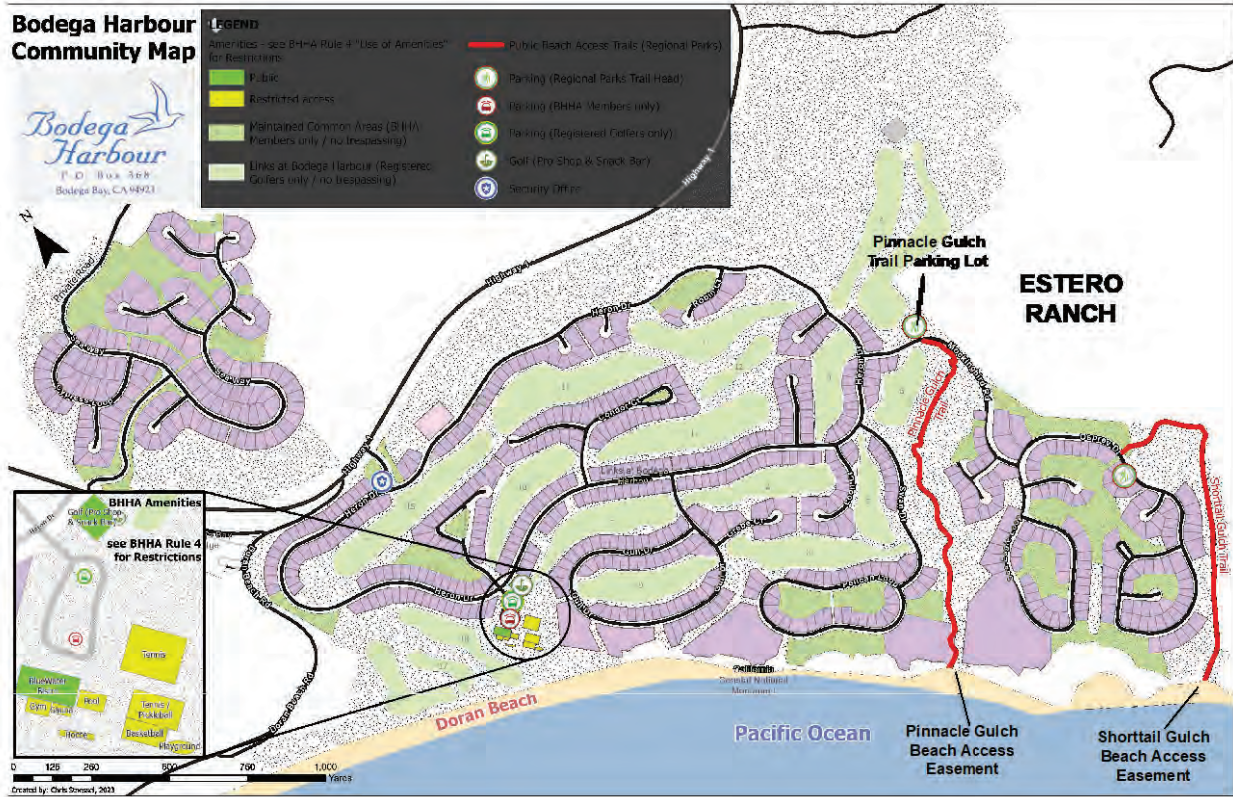
Tennis Wick, Director, Permit Sonoma (*via email*)

Claudette Diaz, Project Planner, Permit Sonoma (*via email*)

clients (*via email*)

# Attachment A

## Transcentury Conveyances to The County



# Attachment B

## Short-Tail Gulch Beach Access



# Attachment C

## TWC Proposal to Access Estero Ranch Through BHHA Common Area

