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**Prepared November 1, 2024 (for November 14, 2024 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager
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**Subject:** **Sonoma County Local Coastal Program Amendment Number LCP-2-SON-23-0058-2 (Sonoma County LUP Update)**

## SUMMARY OF STAFF RECOMMENDATION

Sonoma County is proposing a comprehensive update of their Local Coastal Program's (LCP's) Land Use Plan (LUP). The County's LCP was originally certified in 1982 and was last significantly updated in 2001. Although this proposal is limited to the LUP, the County also intends to update its LCP Implementation Plan (IP), following certification of the LUP Update. In the interim, the County intends the updated LUP to provide the primary standard of review for proposed development, and if there were to be any conflicts between the updated LUP and the older IP (and these are to be expected until the IP too is updated), the updated LUP would prevail.

According to the County, the proposed LUP Update extends the goals and objectives of Sonoma County's "General Plan 2020" into the coastal zone, including responding to the unique set of issues present there. The Update addresses all relevant coastal issues, with a focus on new/updated provisions related to climate change and coastal hazards resiliency/adaptation; conservation/protection of coastal ecosystems, water supplies, and agricultural resources; fire hazards and wildfire resiliency; and the significant public recreational access opportunities and public views that the County's coastal zone is well known for. The County has been working towards an LUP Update for a number of years, and the proposal represents the culmination of a comprehensive and inclusive local process, and one in which Commission staff have been active participants.

While staff believes that the proposed Update appropriately addresses most coastal zone issues, staff also believes that the Update could benefit from some refinements in specific areas, particularly related to coastal hazards and habitats, which represent probably two of the most prevalent coastal challenges along the Sonoma coast. As a result, staff herein recommends some modifications to the LUP Update proposal, where staff have coordinated closely with County staff and where the two staffs are largely in agreement on the language. The most substantive of these suggested modifications are related to coastal hazards, where changes reflect the need for crystal clear parameters

related to that issue so that the County's shoreline is allowed to adapt as naturally as possible and without shoreline armoring as much as possible, consistent with the Coastal Act. In terms of habitat, staff's primary changes suggest specific habitat buffer distances and explicit criteria for any adjustments to them. Other suggested modifications provide refined LUP provisions related to environmental justice, cultural/tribal resources, ongoing agricultural operations, and lower cost overnight accommodations.

Staff commends the County and all its residents and various parties who have contributed over these many years to developing the LUP Update, and believe that the result, including with the suggested refinements, is a robust planning and regulatory document that should serve the County and its coastal resources well for many years. Thus, staff recommends that the Commission approve the LUP Update with the identified modifications. The motions to implement the staff recommendation are found on page 4 below.

**Staff Note: LCP Amendment Action Deadline**

The Coastal Commission's North Central Coast District Office filed the proposed LCP amendment application complete on July 18, 2024. The proposed amendment affects only the LUP portion of the LCP and the 90-working-day action deadline is November 22, 2024. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), it has until November 22, 2024 to take a final action on this LCP amendment. Put another way, the Commission must act at the Commission's November 2024 meeting in San Francisco if it is to meet that deadline.

Therefore, if the Commission fails to take a final action in this case at the November 2024 meeting (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommend a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

> *Alternate Time Extension Motion: I move that the Commission extend the time limit to act on Sonoma County Local Coastal Program Amendment Number LCP-2-SON-23-0058-2 to November 22, 2025, and I recommend a yes vote.*

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# 1. MOTION AND RESOLUTION

Staff recommend that the Commission, after public hearing, **approve** the LCP amendment with suggested modifications. The Commission needs to make two motions on this LCP amendment in order to act on this recommendation.

**A. Deny the LUP Amendment as Submitted**
Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion to Deny LUP Amendment:*** *I move that the Commission certify Land Use Plan Amendment LCP-2-SON-23-0058-2 as submitted by the County of Sonoma, and I recommend a* ***no*** *vote.*

***Resolution to Deny LUP Amendment:*** *The Commission hereby denies certification of Land Use Plan Amendment LCP-2-SON-23-0058-2 as submitted by Sonoma County and adopts the findings set forth below on the grounds that the Amendment, as submitted, does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

**B. Approve the LUP Amendment with Suggested Modifications**
Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion to Approve LCP Amendment with Modifications:*** *I move that the Commission certify Land Use Plan Amendment LCP-2-SON-23-0058-2 for Sonoma County if it is modified as suggested by the staff recommendation. I recommend a* ***yes*** *vote.*

***Resolution to Approve LCP Amendment with Modifications:*** *The Commission hereby certifies Land Use Plan Amendment LCP-2-SON-23-0058-2 for Sonoma County if modified as suggested and adopts the findings set forth below on the grounds that the Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts the Amendment may have on the environment.*

## 2. SUGGESTED MODIFICATIONS

The Commission suggests the following modifications to the Sonoma County-submitted LUP amendment that are necessary to make the requisite Coastal Act consistency findings (see **Exhibit 2**). Where applicable, text in underline and ~~cross out~~ format denotes text to be added/deleted (respectively) by the Commission, and renumbering (and reference to such renumbered provisions) shall be applied as required by changes made.

If (a) Sonoma County accepts all of the suggested modifications within six months of Commission action (i.e., by May 14, 2025), by formal resolution and action of the Board of Supervisors; (b) the Executive Director reviews the County's action and determines that it is legally adequate to meet all of the Commission's conditional certification requirements; and (c) the Executive Director reports such determination to the Commission, then the amended LUP will be certified as of that reporting date.

## 3. FINDINGS AND DECLARATIONS

### A. Background

Sonoma County's coastal zone spans some 55 miles of coast extending inland generally between a half-mile to over two miles, except around the communities of Duncans Mills, Willow Creek, and Valley Ford where it extends some five miles inland along the Russian River corridor and the Estero Americano. Sharing a southern boundary with Marin County and a northern boundary with Mendocino County, Sonoma County's coastal zone is fairly remote, with limited areas of more densely aggregated development, and a series of smaller communities strung along its scenic coastline. See **Exhibit 1** for the County's regional location map.

Except for very scattered residential subdivisions and some larger population centers (such as at Bodega Bay, Jenner, and Sea Ranch), the Sonoma County coastline is sparsely developed and offers stunning vistas to residents and visitors alike. The southern coast is generally more heavily populated than the northern coast. The coastline is for the most part characterized by its rocky shoreline and high bluffs, and there are numerous State and County beaches accessible to the public. The Sonoma County Regional Parks Department and the State Department of Parks and Recreation operate a series of significant park facilities along the coastline (occupying about half of the County's overall coastal acreage), including Sonoma Coast State Park, Salt Point State Park, Fort Ross State Historic Park, Gualala Point Regional Park, Stillwater Cove Regional Park, and Jenner Headlands Preserve. The Sonoma coast is a prime visitor destination, particularly for those travelers looking for a more 'off the beaten' path experience, and the coastal economy is primary geared to such visitors, where the County's historical more traditional resource-based industries (such as logging and commercial fishing) continue to thrive, albeit at a reduced scale compared to years past.

Sonoma County played a pivotal role in enacting, and is widely regarded as the birthplace of, 1972's Proposition 20 (the State Coastal Zone Conservation Commission Creation Initiative) which subsequently led to 1976's Coastal Act, and the County is revered by many for its rich history of coastal advocacy and environmental protection.

Proposition 20 and then the Coastal Act provided a bold mandate – to protect and enhance the coast for both current and future generations – which has been embraced by Sonoma County, its residents and visitors alike. Sonoma County's LCP was first certified in 1982 and was last significantly updated in 2001.

Perhaps the County's most identified coastal resource is its breathtaking coastal vistas, all of which have benefited from over 50 years of carefully managed development and protection. Scenic resources of importance include parks, expansive beaches, rock headlands, lagoons, estuaries, rivers, coastal hills, and various historic settings. This natural environment is further distinguished by a variety of ecosystems and sensitive natural habitats, including various types of ESHA, coastal wetlands, bluffs, dunes, and riverine/estuarine habitats. In addition, the County has significant marine resources (bay and ocean) with coastal waters providing habitat to many fish and invertebrate species, resident and migratory marine mammal species, and seabirds, where Bodega Harbor has a major commercial fishing fleet with boat launching ramps, fish-receiving piers, a navigation channel, and a marina. Commercial and sport fishing include salmon, crab, herring, halibut, shark, and bottom fish.

The County coastal zone also includes broad swaths of agricultural resources, with approximately 28,000 acres of farmland in the County's coastal zone alone, where nearly half of the County's coastal zone is grazing land. The cool, moist climate of western Sonoma County is said to generally produce better rangeland and grazing land than inland Sonoma County, thereby reducing the need for supplemental feed and irrigated pastures. The largest areas of grazing lands are in the Bodega Bay and Valley Ford areas, the latter of which includes many dairy operations. Successful agricultural operations require adequate numbers of both seasonal and full-time farmworkers, and a dearth of affordable residential options has more recently made such operations more challenging.

The County's climate is marked by a Mediterranean precipitation pattern with most rain occurring in the winter months (e.g., during atmospheric river events) even as precipitation is quite variable across the County. The County's major coastal zone watersheds are associated with the Russian and Gualala Rivers, with the Russian River watershed collecting most rain that falls in central Sonoma, and the Gualala River acting as the county boundary with Mendocino County to the north. Groundwater basins tend to be centered along these riverine watersheds, with more central areas underlain by rock formations that do not offer as much water storage. The large public water systems in the County are The Sea Ranch Water Company and the Bodega Bay Public Utilities District, with other small public water systems like the Sereno del Mar Mutual Water Company and the Blue Heron Restaurant single connection serving less urbanized areas. All the public water systems rely on groundwater supplies in the coastal zone and are at risk of saltwater intrusion and unpredictable supply, given increasing concerns over climate change and sea level rise. In the urban service areas such as Bodega Bay, public wastewater treatment facilities exist, however, many of the more rural parts of the County are served by onsite wastewater treatment systems.

Sonoma County is marked by coastal hazard concerns like most other coastal areas given the association with the coastline and ocean, including seismic faults and eroding

coastal bluffs which can lead to slope instability and landslides which threatens development directly at, and just inland of, the coastline like homes and septic systems. In addition, this erosion has led to increased sedimentation at the interfaces of some water bodies like at Bodega Harbor and the Estero Americano. Erosion in Sonoma County is generally most concerning between Bodega Bay and the Russian River, which is a section characterized by coastal prairie terminating in a steep coastal bluff that drops 50 to 100 feet down to narrow rocky beaches. Highway 1 was constructed in close association to these bluffs in the early 1900's and in the late 1920's, hundreds of small parcels were created in the land west of Highway 1 and sold as vacation home sites. Most of this development occurred before passage of the Coastal Act, with a substantial number of homes constructed before Sonoma County first required building permits in 1963. At Gleason Beach, just north of Scotty Creek many homes have been lost to erosion, and Highway 1 has been relocated inland. Flood hazards and inundation are also a hazard concern along the rivers and creeks in the County, with most low-lying areas found in close association with these watersheds, in particular the larger watersheds like Russian River, causing concern because they drain inland areas and floods along such watersheds may not peak for up to as much as four days post storm events. Tsunamis and storm surge can also lead to concerns along these watersheds as the ocean events push waters inland and up into the watershed. Sea level rise is also an ongoing concern for Sonoma County since such rising waters will only aggravate all the coastal hazards; and in combination with other hazards such sea level rise the confluence of these factors has the potential to lead to serious environmental and economic impacts. Finally, the wildland and developed interface in Sonoma County, combined with highly flammable fuels, long, dry summers, and steep slopes create significant wildfire risk for the County. These risks pose a substantial threat not only to the developed environment of the County but also to the natural habitats, scenic quality, and recreation resources located in Sonoma.

Sonoma's coastal zone also has a rich tribal and cultural heritage. Native American tribal settlement flourished along the coast of California, beginning about 6,000-10,000 years ago, including in Sonoma. The Kashia band of the Pomo people lived primarily on the Russian River and northern coast, while the Coast Miwok lived primarily south of the river, and their region included portions of present-day southern Sonoma County and Marin County. Both groups occupied narrow territories generally extending inland several miles, and the County's coastal zone includes archaeological, paleontological, and tribal resources of import, as well as historic structures and sites, the protection of which will continue to serve important social, commercial, recreational, and educational roles in the community and for all the visitors to it.

Although the currently certified LUP has continued to prioritize the protection of coastal resources since it was originally certified, and has served the County well in that regard, the proposed Update offers an opportunity to bring it up to current planning and regulatory standards, including to incorporate updated provisions to even better protect the many amazing coastal resources found here.

### B. Proposed LCP Amendment

The County's proposed LUP Update is a complete overhaul that would replace the existing LUP with updated provisions designed: 1) to reflect new information and

approaches to coastal resource issues since the last significant LUP changes in 2001; 2) to add new provisions to address coastal resource issues that have become more critical in recent years, such as resilience and adaptation planning for coastal hazards and sea level rise;[1] 3) to reflect the emergence of new County priorities, such as the evolving impacts of climate change; and 4) to bring the LUP into closer conformity with the County's 2020 General Plan, while establishing the foundation for a near-future comprehensive IP Update (of which this LUP would be the standard of review). Importantly, from the County's perspective, the Update is designed with the intention of better addressing sea level rise and its associated impacts, and to better protect coastal resources overall, including by adding more detailed provisions protecting habitat resources and public access opportunities, bolstering policies and protections relating to wildfire mitigation and resilience, all while establishing a policy framework for an IP Update expected in the near future.

The proposed LUP Update includes ten chapters and a glossary, referred to synonymously as "elements," each of which covers a different coastal resource issue area (with some inherent overlap, and with some issue areas overlapping more than others), as follows: 1) Introduction; 2) Land Use Element; 3) Agricultural Resources Element; 4) Open Space and Resource Conservation Element; 5) Public Access Element; 6) Water Resources Element; 7) Public Safety Element; 8) Circulation and Transit Element; 9) Public Facilities and Services Element; 10) Cultural and Historic Resources Element; and 11) Glossary.

The chapters are supplemented by twelve appendices: a) Design Guidelines; b) Public Access Plan; c) Right to Farm Ordinance; d) Scenic Resources; e) Natural Resources; f) Shoreline Protection; g) Focused Vulnerability Assessment; h) 2010 Bike Ped Plan Project List; i) Historic Resources Inventory; j) State Route 1 Repair Guidelines; k) Coastal Commission ADU Guidelines; and l) Bodega Harbour 1977 Settlement Agreement. In addition, the proposed LUP Update includes updated figures and maps throughout the document. See **Exhibit 2** for the proposed updated LUP text (with suggested modifications incorporated) and **Exhibit 3** for the proposed updated associated maps and figures.

As proposed, the LUP Update would maintain much of the core policy objectives from the existing certified LUP (e.g., a focus on concentrating development and protecting open space land uses, sensitive habitat areas, environmental protection, and visual resources) while also bolstering policies related to sea level rise, coastal hazards, and public access/recreation. As indicated, a conforming IP Update would follow, but until then the County proposes that the provisions of the updated LUP, once certified by the Commission, would provide the primary standard of review for any proposed development. If there were to be any conflicts between the updated LUP and the current IP (as is to be expected, until the IP is updated), then the provisions of the updated LUP, as certified, would prevail.

[1] The County completed a sea level rise adaptation planning effort in 2017 to inform this LUP Update, including planning for sea level rise until at least 2100.

The County's LUP Update process spanned about ten years, beginning roughly a decade after the County's last more significant changes to the LUP were certified in 2001. The County process was thorough, with numerous public meetings and presentations to the County's Planning Commission and Board of Supervisors, online and in-person public input opportunities, over twenty public workshops, and extensive stakeholder outreach. In addition, County and Coastal staff have collaborated extensively throughout that process, including efforts emanating from a 2018 Coastal Commission grant of $175,000 to support continued efforts on the Update focused on developing policies to support sea level rise adaptation; programs to reduce fuel loads through proactive forestry management; watershed management strategies; improved methodologies for habitat assessment and conservation; protecting and encouraging affordable housing; and support of infill development to reduce vehicle miles traveled (VMT) and reduce greenhouse gas emissions (GHG).

## C. Standard of Review

The standard of review for proposed LUP amendments is consistency with Chapter 3 of the Coastal Act.

## D. Land Use and Development

### *Applicable Coastal Act Provisions*

The following sections of the Coastal Act guide appropriate land use and development locations and intensities:

> ***30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*
>
> ***30222.*** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*
>
> ***30240.*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (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.*
>
> ***30250.*** *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually*

*or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, 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. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

***30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

***30252.*** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

***30253.*** *New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

***30255.*** *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When*

*appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

***30603(a).*** *After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: … (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) [of the Coastal Act].*

***Analysis***

The Coastal Act establishes clear parameters and priorities for the location, intensity, type, and design of new development in the coastal zone as a means of protecting, and enhancing - where feasible - coastal resources. These parameters and priorities emanate from both specific Coastal Act policies and requirements, as well as the overlap and interplay between them. At a broad scale and fundamentally, Section 30250(a) requires that most new development be concentrated in and around existing developed areas with adequate public services and infrastructure to accommodate it. Within that broader framework, the Coastal Act also provides specific development prescriptions for specific resource types. For example, the Coastal Act provides that new development should be sited where it will not have an adverse impact on coastal resources, protect visual and scenic corridors, maintain public access to the coast, and minimize risks to life and property while ensuring structural integrity. In addition, policies require that oceanfront and private land, as applicable, is protected for visitor-serving commercial uses and public recreation; that coastal-dependent development takes priority along or near to the shoreline; and requires development adjacent to ESHA to be sited appropriately to avoid impacts.

The Coastal Act includes an appealability criterion specific only to coastal counties, like Sonoma County, that makes Sonoma's coastal permit decisions outside of geographic appeal boundaries appealable to the Commission if they propose a use other than the single PPU in the affected zoning designation. In Sonoma's case, the existing LCP does not identify a single such PPU for each such designation and, as a result, the Coastal Act requires that all Sonoma coastal permit decisions in all affected zones are technically appealable to the Commission. This is contrary to Coastal Act intent, and fortunately is easily remedied by designating such PPUs, as has been proposed by the County in this case.

The proposed LUP Update identifies land use constraints and opportunities throughout the County, designates updated locations for potential new development, and, overall, provides ways to ensure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources consistent with the Coastal Act objectives outlined above. The new land use designations create clearer distinctions between open space and established developed areas and promote new development in and directly adjacent to existing developed areas. Proposed provisions of the land use chapter also include facilitating walkable and transit-oriented development, protecting open space and habitat, concentrating development where it will not have

significant impacts on coastal resources, and protecting – as well as incentivizing development of – affordable housing.

The following land use designations are established in Section 2 of Chapter 2 (Land Use Element): Land Extensive Agriculture (LEA); Diverse Agriculture (DA); Recreation (R); Resources and Rural Development (RRD); Timber (T); Open Space (OS); Commercial Fishing (CF); Commercial Tourist (CT); Commercial Services (CS); Public Facilities (PF); Rural Residential (RR); and Urban Residential (UR).

In addition, the County proposed new land use designation classifications, as well as identifying the principally permitted use (PPU) for each land use designation, in accordance with Coastal Act Section 30603. The PPU (for purposes of appeal to the Coastal Commission) for each land use designation corresponds logically to the purpose and allowable uses proposed for each zoning area listed above, in accordance with Coastal Act Section 30603.

For each land use designation, the proposed LUP includes development standards, with an emphasis on infill development in already developed areas, and a further emphasis on protection of agricultural lands as well as protection of environmentally sensitive habitats, public recreation, and open spaces.

The proposed Update keeps “priority land uses” essentially the same as before, with the exception of new ADUs and affordable housing development taking higher priority than market-rate housing. In the existing LUP, new ADUs and affordable housing were not distinguished as a priority use, and by doing so, they support both Coastal Act policies and local priorities focused both on protecting and expanding the affordable housing stock. The LUP Update continues to, as the currently certified LUP does, aim to protect natural and scenic resources, and encourage public access and visitor serving uses where appropriate. The Update does create new policies to enhance affordable housing opportunities in Sonoma County to effectuate and incentivize affordable housing, as is a new priority for the County.

In terms of Coastal Act consistency, the land use provisions in the proposed Update encourage infill development and investing in areas which have already been developed, while discouraging new development which would have an adverse impact on coastal resources. In turn, the suggested modifications – as indicated in **Exhibit 2** – are mostly for fixing grammatical errors, adding missing words, and reorganizing certain sections of the Land Use Element, especially pertaining to PPUs, primarily to provide clarity and clear consistency with the Coastal Act. Therefore, with the relatively minor suggested modifications, the Update’s land use and development provisions can be found to be consistent with the Coastal Act.

### E. Public Services and Water Resources

#### *Applicable Coastal Act Provisions*

The following sections of the Coastal Act pertain to management and provision of public services, including water, sewer, and circulation infrastructure:

***30212.5.*** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

***30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***30250(a).*** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, 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.*

***30254.*** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.*

***Analysis***

The Coastal Act requires that public works facilities, such as water, sewer, and circulation systems, be appropriately distributed and designed to accommodate needs generated by development so as to mitigate impacts of overcrowding and overuse; that new development be located in or adjacent to areas with existing public services, or areas able to accommodate such services; and that all coastal waters are to be protected (through maintaining and, where feasible, restoring coastal waters biological productivity and water quality), in part through ensuring that waste water discharge and runoff is properly handled, and groundwater supplies are appropriately managed.

The proposed Update groups policies relevant to the provision of the resources into four chapters: Chapter 5 (Public Access Element), Chapter 6 (Water Resources Element), Chapter 8 (Circulation and Transit Element) and Chapter 9 (Public Facilities and Services Element). The Water Resources chapter establishes policies that protect, restore and enhance water resources like groundwater in order to meet the County's development needs; manage groundwater given its limited availability in the County coastal zone; encourage the adequate provision of water supply for development as well as protection of natural resources; and increase water conservation efforts in order to meet water supply needs.

The policies proposed in the Update regarding Public Facilities and Services ensure water supply and wastewater treatment capacity to meet future needs in the coastal zone; propose policies to ensure that growth and development in the coastal zone match existing water and wastewater treatment capacities; assure adequate park and recreation services are provided on the Sonoma Coast; and provide for widespread access to broadband telecommunication throughout the coastal zone. The vast majority of the LUP Update regarding water resources and public services, as proposed by the County, can be found consistent with the Coastal Act provisions outlined above regarding public services and related infrastructure because they promote responsible management and sustainable provision of public services while minimizing potential negative impacts on coastal resources. Chapter 5 (Public Access Element), Chapter 6 (Water Resources Element), Chapter 8 (Circulation and Transit Element) and Chapter 9 (Public Facilities and Services Element) each include robust policies and provisions aimed at both supporting and improving public services in Sonoma's coastal zone, as required by the Coastal Act.

Chapter 5 (Public Access Element) highlights the importance of maximizing public access and puts an emphasis on the role of public services, such as improving parking areas, restrooms, and other facilities. Furthermore, the proposed LUP carefully includes language which seeks to minimize the environmental impacts of such facilities and parking areas to the greatest extent feasible, while also maximizing (to the greatest extent feasible) availability for residents and visitors alike.

Chapter 8 (Circulation and Transit) addresses the various transportation modalities throughout the County's coastal zone, including new provisions encouraging bicycle and bus modes of transit. Coastal Act Section 30251 states that: "the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road." However, certain sections of Highway 1, such as near Gleason Beach, are especially vulnerable to the impacts of sea level rise and geologic hazards. The LUP Update seeks to provide essential facilities and transportation opportunities while also protecting coastal resources and minimizing risks to coastal hazards.

Chapter 6 (Water Resources Element) provides policies aimed at responsible use, management, and distribution of coastal water resources, while aiming to safeguard and sustainably manage such resources for all beneficial and coastal-dependent uses. This chapter identifies the County's major watersheds in the coastal zone – such as the Russian River Watershed and the Gualala River Watershed – and outlines policies, as well as priorities for the future LCP IP Update, to protect and enhance these valuable

coastal resources. The overarching goal for Section 1 of this Chapter is to protect and enhance the quality and management of groundwater resources, which is a serious challenge throughout the state, including Sonoma County.

Chapter 9 (Public Facilities and Services Element) lays the groundwork for future planning and policy decisions related to public services and related infrastructure. This Chapter seeks to establish policies and priorities which balance projected growth and development with the various limitations identified by the County. For instance, the vast majority of Sonoma's coastal zone is either agricultural land, public parks/open spaces, or already developed town areas, and there is very little room for additional growth and development of sewage and water infrastructure.

Given the policies as proposed generally promote the responsible management and sustainable provision of public services, while minimizing potential negative impacts to coastal resources, the modifications for these chapters necessary to achieve Coastal Act conformance are minimal. The modification for Policy C-WR-1o in Chapter 6, provides direction for drainage infrastructure, to ensure that drainage facilities located adjacent to beaches and bluffs direct such drainage inland, and away from the nearby beaches and bluffs to the maximum extent feasible in order to assure consistency with Coastal Act beach and dune habitat protection provisions. The addition of Policy C-CT-2e to Chapter 8 assures accessible transit facilities for all are provided in the County to assure consistency with federal ADA provisions and Coastal Act environmental justice provisions. The modification for Policy C-PF-2d provides clarity while simultaneously establishing that "moratoria" on further zoning changes and development may be considered for instances where a master plan or water/wastewater monitoring fails to show adequate facilities or supplies for the already existing development, in order to protect coastal resources and ESHA. Other proposed minor modifications ensure clarity and minor corrections.

With these relatively minor substantive modifications and clarity edits, the Update's public services and water resources provisions can be found to be consistent with the Coastal Act.

## F. Agriculture

### *Applicable Coastal Act Provisions*

The following sections of the Coastal Act pertain to protection, and limits on conversion, of agricultural land:

> ***30241.*** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable*

*limit to urban development. (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands. (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

***30241.5.*** *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements: (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program. (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

***30242.*** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

***30250(a).*** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than*

*leases for agricultural uses, 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.*

***Analysis***

In terms of agriculture, the Coastal Act requires that the maximum amount of prime agricultural land be kept in agricultural use; that conflicts be minimized between urban and agricultural land uses; that the viability of existing agricultural uses be determined through economic analysis; and that land suitable for agricultural use not be converted to nonagricultural uses unless continued agriculture is not feasible or if such conversion would preserve prime agricultural land. Further, the Coastal Act requires that new development be concentrated in already-developed areas with adequate public services in order to limit urban sprawl and protect rural and agricultural lands.

Chapter 3 (Agricultural Resources Element) of the proposed LUP Update is intended to provide clear guidelines for planning and policy decisions particularly in the two primary agricultural zoning areas identified within the County's coastal zone: Diverse Agriculture (DA) and Land Extensive Agriculture (LEA). Policies included in the proposed Update require preservation of land viable for agriculture for such uses and require maintenance of the maximum amount of agricultural land on parcels large enough to sustain such uses; protect agriculture uses by establishing buffers between ag land and non-ag land; facilitate agriculture by allowing agriculture support uses to be easily located in agriculture production areas; and by encouraging adequate housing for farmworkers and their families in close association with such ag uses.

The agricultural elements of the proposed LUP Update are relatively complete in terms of Coastal Act requirements. But for some relatively minor modifications – such as clarifying that an "agricultural employee" is synonymous with a "farmworker" for the purposes of this Update – which are intended to provide additional clarity and consistency with the Coastal Act. Another relatively minor modification is the deletion of the phrase "by right" from Table C-AR-2, in order to clarify that permits are needed for any development in the coastal zone, other than activities which are either exempt or excluded. To help address the concern that ongoing agricultural operations can continue to operate without requiring new permits for ongoing activities, suggested modifications also provide a definition of 'ongoing agriculture' for this reason.[2]

Thus, with these minor modifications, the Update's agricultural provisions can be found consistent with the Coastal Act.

## G. Natural Resources

***Applicable Coastal Act Provisions***

[2] Similar to the way in which the issue was addressed in adjacent Marin County in its LCP Update (effective in 2021) for similar reasons.

The following sections of the Coastal Act pertain to preservation and enhancement of marine resources, coastal waters, wetlands, and environmentally sensitive habitat areas (ESHAs):

> ***30107.5.*** *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*
>
> ***30230.*** *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
>
> ***30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
>
> ***30232.*** *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*
>
> ***30233.*** *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring*

*beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

***30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

***30236.*** *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

***30240.*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (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.*

***Analysis***

The Coastal Act provides protection for natural resources, including on and offshore marine resources, wetlands, ESHAs, and other coastal waters, streams, estuaries, and lakes. Coastal Act policies emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA (environmentally sensitive habitat areas) and stress that development within or adjacent to such areas is only allowed for a very limited number of uses and under exacting criteria as specified in each applicable provision to protect these resources from degradation.

The proposed LUP Update incorporates Coastal Act Chapter 3 policies by reference and generally provides more thorough natural resource protections than the currently certified LCP, such as creating a 50-foot minimum buffer requirement for development near ESHA. Generally speaking, the proposed Update provides designations for the various types of natural resources and habitat the LUP requires to be protected, and provides appropriate provisions to preserve and protect scenic coastal landscapes, nighttime dark skies, coastal waterways (including riparian corridors, streams, wetlands, and marine habitats), terrestrial habitats, and ESHA. Pursuant to Section 30240 of the Coastal Act, the proposed Update includes policies that require buffers (generally a minimum of at least 100 feet) for ESHA and wetlands, as well as various protections for rare and endangered species. Proposed policies also provide that development shall be sited and designed to prevent impacts that would degrade adjacent habitat areas, significantly alter landforms, substantially remove vegetation, or lead to impacts from excessive noise and light. The proposed Update also incorporates an appendix (Appendix E “Natural Resources”) which establishes restoration and monitoring requirements for mitigation for impacts to natural resources; sets out biological resource assessment requirements for development with potential natural resource implications; establishes criteria for setting required buffers; and sets out technical requirements for mapping wetlands and other habitat resources.

The proposed buffer policies for ESHA mandate a 100-foot minimum buffer, which is the same as the currently certified LCP ESHA buffer requirement. However, the proposed Update has a buffer reduction allowance for instances when a biological assessment, the nature of the proposed development, and appropriate mitigation is included so as to dictate that a smaller buffer would offer adequate protection. Appendix E lays out circumstances and considerations that may allow such buffer reductions, so long as such reductions protect the resources to the maximum extent feasible. Further, in no case, per the proposed Update, can the buffer to ESHAs be reduced to less than 50 feet, regardless of any potentially mitigating circumstances. As proposed, the policies regarding ESHA buffers assure adequate protection of the resources and reasonable reduction allowances when appropriate given the relevant circumstances.

As opposed to the ESHA buffer policy, which is largely Coastal Act consistent, the buffer policy for wetlands is not laid out with similar structure to assure that buffer

reductions are appropriate given resource circumstances. Specifically, the wetland policy requires a minimum buffer of 100 feet but allows reductions and development within the buffer if a qualified professional and Permit Sonoma reasons there is no potential for adverse impacts on the wetland, essentially allowing wetland buffers to be reduced to zero if a qualified professional says it's appropriate. To assure consistency with the Coastal Act, a suggested modification to the wetland buffer policy is required that somewhat mirrors the ESHA buffer reduction policy, and only allows reductions when there is no feasible development alternative, when the development is compatible with the viability of the adjacent wetlands, and when the development incorporates mitigations to protect the resources. Per the suggested modification, in no case can such wetland buffers be reduced to less than 30 feet (when the development site is located entirely within the buffer), or less than 50 feet (when the development site is located partially within the buffer).

Other minor modifications for Chapter 4 and Appendix E are focused on minor terminology corrections and assuring that these documents are brought up-to-date with the Commission's October 2023 *Habitat Mitigation and Monitoring* guidelines, given that the County's drafting of this Update took place prior to these newer guidelines. Other minor modifications regarding the County-approved herbicide policies are required to achieve consistency with the Coastal Commission's and the California Department of Pesticide Regulation's approach to herbicide use. Given that state law already requires that all herbicides be applied consistent with their labels, there is no need for the LCP to contain a more general restriction related to application of herbicides prior to rain or in specific wind speeds. Removing such language from the proposed Update will help ensure that there is no tension between the policy and any herbicide label requirements, for the purposes of habitat restoration or eradication of invasive plants.

Therefore, with the modifications proposed, the Update's natural resources provisions can be found consistent with the Coastal Act.

## H. Public Recreation Access and Views

Coastal Act Sections 30210 through 30224 specifically protect public access and recreation, and Section 30240 protects parks and recreational areas. In particular:

> ***30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> ***30211.*** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*
>
> ***30212.*** *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of*

*fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. …*

***30212.5.*** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

***30213.*** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. …*

***30214.*** *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) 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 the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article 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 pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

***30220.*** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

***30222.*** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or*

*general commercial development, but not over agriculture or coastal-dependent industry.*

***30223.*** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

***30224.*** *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

***30240(b).*** *Development in areas adjacent to … 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 … areas.*

***30252.*** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

***30253(e).*** *Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Coastal Act provides that the scenic and visual qualities of coastal areas are resources of public importance that must be protected, and that new development is required to protect public views and designed to be visually compatible with the surrounding area. In highly scenic areas, such as the Sonoma County coastline, proposed development is also required to be subordinate to the character of its setting. Section 30251 states:

***30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly*

*scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

***Analysis***

The Coastal Act requires that public access and public recreational opportunities to and along the coast must be maximized, that development enhances and/or protects public access and recreation opportunities, and that access and recreational opportunities be provided where appropriate. Public parking and other facilities should be distributed along the coast, and lower-cost, visitor-serving facilities are to be protected, encouraged, and provided. The Coastal Act further provides that development shall provide appropriate mitigation if it may adversely impact archeological resources, and that the scenic and visual qualities of coastal areas shall be protected as matters of great public importance. Importantly, the Coastal Act's Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect: it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to LCP public recreational access planning.

The Coastal Act prizes the scenic and visual qualities of coastal areas as "resources of public importance" that must be protected, and where, such coastal visual resources exist, as along the Sonoma Coast, proposed development is also required to be subordinate to the character of this setting. In addition, the Coastal Act's public view provisions are also public recreational access provisions as public views are a critical component of public recreational access, which is particularly the case in the County's coastal zone. As a result, all the above public view provisions and all of the below public view findings are also applicable in a public recreational access sense, where the issues and concerns are commingled.

In terms of public views, and as indicated previously, the Sonoma Coast is iconic for being a stunning scenic and visual resource, primarily along the Highway 1 corridor hugging the coastline, but also more generally. Truly, one of the Update's key charges is to provide protection for such public views. This is accomplished primarily through the Open Space and Resource Conservation chapter which includes Coastal Act provisions that protect scenic resources and generally provides for the preservation and enhancement (where feasible) of the scenic and visual qualities of Sonoma's coastal zone as a coastal resource of public importance. Proposed Update policies specifically speak to retaining the scenic character of named vistas and roadside landscapes, prohibiting development that would degrade those views, and ensuring design and siting standards that would protect such views. One minor suggested modification to these visual resource policies is required to clarify that Highway 1 constitutes a protected Major View and Scenic Corridor, in order to assure the Coastal Act's protections for the visual resources of the coast, such as the Highway 1 corridor are preserved and protected. Other minor suggested modifications add clarity and consistency to the various scenic resource policies to ensure that the County's visual

and scenic resource policies are consistent with the provisions laid out in Section 30251 of the Coastal Act.

As to other forms of public recreational access, the proposed LUP documents existing public open space and community facilities and infrastructure, provides policies for both protecting and maximizing coastal access, and describes improvements that are proposed to be undertaken during the near-future IP Update planning period to enhance recreational use and the myriad opportunities of Sonoma's coastline. Proposed policies also speak to aiming to create a continuous California Coastal Trail system and ensure that such trails are sited and designed to minimize impacts to coastal resources. What the proposed Update lacks is policies that protect and, where feasible, provide lower cost options for overnight accommodations. As the cost of land in California's coastal zone is extremely high, hotel accommodations are often higher priced to be profitable, and lower cost accommodations are becoming increasingly rare, despite the Coastal Act's prioritization of such accommodations for maximizing public access. In addition, parking fees for access to coastal visitor serving accommodations can be a substantial public access barrier, particularly for lower-income communities and environmental justice communities. It is the Commission's responsibility to ensure all people can access and recreate at California's iconic coast in order to carry out the directives regarding the provision of low-cost visitor serving amenities.

Therefore, the suggested modifications (see Policy C-PA-3n and Policy C-PA-3o in **Exhibit 2**) add policies that would: protect, encourage, and where feasible require provision of such lower cost overnight accommodations; require that new development involving overnight accommodations provide a range of prices to serve various income levels; and definitions would be added to the glossary to define such types of accommodations from higher, to lower, and moderate cost overnight accommodations. In addition, to assure continued provision of low cost or free visitor serving parking, suggested modifications (see Policy C-PA-4f in **Exhibit 2**) would add a new policy that prohibits the conversion of existing free parking to pay parking unless certain criteria are met, and only if such a parking fee program can demonstrate that it will maintain and enhance, and will not adversely impact, coastal access. Other minor suggested modifications are focused primarily on refining policy language for clarity and cohesiveness and aiming to clarify the language for providing adequate parking for visitors and hikers at coastal trailheads, as well as to minimize impacts to coastal resources from the creation and design of coastal trails.

With the suggested modifications, the Update's public recreational access and view provisions can be found consistent with the Coastal Act.

## G. Coastal Hazards

### *Applicable Coastal Act Provisions*

The Coastal Act is, at its core, a law that requires coastal resource protection. In adopting the Act in 1976, the State Legislature included a series of goals and objectives. For example, Coastal Act Sections 30001 and 30001.5 state:

> ***30001.*** *The Legislature hereby finds and declares: (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to*

*all the people and exists as a delicately balanced ecosystem. (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation. (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction. (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.*

***30001.5.*** *The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state. (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. (f) Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.*

In short, the law recognizes the coastal zone as a special place, where coastal resources are of “paramount concern”, and requires that it both be protected against degradation, and enhanced where feasible. To implement these objectives, Chapter 3 of the Coastal Act includes a series of specific provisions that clearly and emphatically require the protection of coastal resources, from public recreational access to coastal habitats to public views and natural landforms.[3] Perhaps just as clearly, and as explained in detail subsequently, shoreline protective devices (e.g., seawalls, revetments, retaining walls, bulkheads, etc.) generally have significant adverse impacts on the coastal resources protected by Chapter 3 of the Coastal Act, leading to unavoidable impacts on natural landforms, public recreational access, natural processes (which also can significantly impact habitats and public recreational access) and public views.[4] These impacts are all inconsistent with the Coastal Act’s resource

[3] See, for example, more than 40 sections nested in Chapter 3, including sections related to public access, recreation, the marine environment, and land resources.

[4] See, for example, Commission findings in LCP amendments LCP-3-SCO-20-0066-2 (Santa Cruz County Hazards Update) and LCP-3-MRB-21-0047-1 (Morro Bay Land Use Plan Update), and in CDP applications A-3-SCO-07-095/3-07-019 3-07-019 (Pleasure Point Seawall), 3-09-025 (Pebble Beach

protection requirements, and consequently, the Coastal Act generally directs that such protective devices be denied in order to meet these coastal resource protection requirements. In other words, the Coastal Act generally disallows protective devices except under very limited circumstances, and this general prohibition is echoed by Coastal Act Section 30253, which makes it clear that all development, including protective devices, is not to be approved if it will cause erosion or destruction of the site, or substantially alter natural landforms,[5] which past cases have shown is predominately the case with protective devices.[6]

In fact, as contrasted with the numerous Coastal Act resource protection provisions, both broad and specific, there is only one Coastal Act section that specifically allows for protective devices, Section 30235, and it includes important – and severely limiting – criteria. Section 30235 states, in applicable part:

> ***Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. …*

Section 30235 allows the Commission to approve protective devices under very limited circumstances, namely when required to serve coastal-dependent uses or to protect public beaches or existing structures in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In other words, when there are qualifying uses, beaches, or structures,[7] protective devices must be

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Company Beach Club Seawall), 3-09-042 (O'Neill Seawall), 2-10-039 (Lands End Seawall), 3-14-0488 (Iceplant LLC Seawall), 3-16-0345 (Honjo Armoring), 3-16-0446 (Rockview Seawall), 2-17-0702 (Sharp Park Golf Course), 3-18-0720 (Candau Armoring), 3-20-0166 (Wavefarer Partners LLC Armoring), and 3-22-0440 (Casanova Armoring).

[5] Section 30253 states, in applicable part, that "New development shall…Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area **or in any way require the construction of protective devices** that would substantially alter natural landforms along bluffs and cliffs" (emphasis added). Although the term "bluff" is not defined in the Coastal Act, it is defined in the Commission's implementing regulations as, among other things, areas where the toe of the slope "is now or was historically (generally within the last 200 years) subject to marine erosion" (14 CCR Section 13577(h)). Because the site has been subject to marine erosion for centuries, it is a bluff site to which Section 30253 applies.

[6] Ibid (cases previously cited above).

[7] Two of the three qualifying uses are based on protecting important State shoreline priorities (coastal-dependent uses and public beaches). Importantly, armoring rarely protects beaches; rather, armoring typically leads to the incremental loss of beaches. In fact, when public beaches are in danger of erosion, such danger is typically exacerbated by armoring as opposed to protected by it because armoring typically not only occupies beach and shoreline space that would otherwise be available to public recreational uses, but it also inhibits the transmittal of beach-generating materials from bluffs, and typically leads to loss of beaches over time as an eroding shoreline bumps up against such armoring (also referred to as the 'coastal squeeze' or passive erosion). Thus, bracketing groins in certain circumstances, armoring is typically not a viable/fruitful response to protect a public beach in danger from

allowed only if they are required to serve/protect them, meaning when there are no other less environmentally damaging feasible alternatives that can perform that same function. Put differently, given that protective devices have significant adverse impacts on a variety of protected coastal resources and are only allowed to be approved in very limited circumstances, implementation of the Coastal Act's resource protection policies generally requires denial of proposals for protective devices.[8] When framed in this way, Section 30235's limited requirement to approve shoreline protective devices is probably best understood as an exception with respect to the Coastal Act's coastal resource protection provisions, or put another way, an 'override' of the other Coastal Act sections found in Chapter 3 that would require the Commission to otherwise deny the project.

The purpose and structure of the Coastal Act support this interpretation as well, as reflected in numerous policies of the Act. For example, not only does Section 30009 require a liberal interpretation to protect shoreline and beach resources,[9] but Section 30007.5 also directs the Commission to resolve conflicts in a manner that is "most protective of significant coastal resources."[10] Courts have also relied on Section 30009 to find that exceptions to the Act's requirements must be read narrowly.[11] Accordingly, the courts have upheld that the Coastal Act's requirements are to be implemented so as to be most protective of coastal resources, and this methodology applies to the limitations on allowable protective devices including in light of the discernible adverse coastal resources impacts associated with such protective devices.[12]

***Analysis***

Sea level rise (SLR) will have dramatic impacts on California's coast in the coming decades and is already impacting the coast today. In the past century, the average global temperature has increased by about 1.0°C (1.8°F), and global sea levels have increased by about 8 inches (20 cm). In addition, SLR has been accelerating in recent decades, with the global rate of SLR approximately tripling since 1971 (IPCC, 2023). These rising seas have and will continue to increase the risks of flooding, inundation, coastal erosion, saltwater intrusion, and changing groundwater dynamics. In turn, these coastal hazards have the potential to threaten many of the resources that are integral to the California coast, including coastal development, coastal access and recreation,

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erosion. Finally, past these two important State shoreline priorities, the only other development allowed armoring by Section 30235 are existing structures, including private structures (e.g., residences).

[8] In very rare circumstances, it may be possible that a project includes protective devices and the overall project may still be consistent with Coastal Act, and the Commission may not need to invoke Section 30235.

[9] Section 30009 requires that: "This division [i.e., the Coastal Act] shall be liberally construed to accomplish its purposes and objectives."

[10] Section 30007.5 states, in applicable part: "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources."

[11] See, for example, *Citizens for a Better Eureka v. California Coastal Com.* (2011) 196 Cal.App.4th 1577, 1586-87 ("[i]n light of the legislative directive to construe the Act liberally...it is appropriate to construe the exceptions narrowly"", *quoting Capon v. Monopoly Game LLC* (2011) 193 Cal.App.4th 344, 355).

[12] Ibid (cases previously cited above).

habitats (e.g., wetlands, coastal bluffs, dunes, rocky intertidal areas, and beaches), coastal agricultural lands, water quality and supply, cultural resources, community character, and scenic quality.

Further, the various possible adaptation responses to these increasing coastal hazards each carry their own potential costs and benefits to these different coastal resources and values. As a primary example, beaches, wetlands, and other habitats backed by fixed or permanent development, such as shoreline armoring, will not be able to naturally migrate inland as sea level rises, and will become permanently inundated over time, which in turn presents serious concerns for future public access, recreational opportunities, environmental justice, habitat protection, and scenic and visual qualities of the coast. However, shoreline armoring may be a necessary strategy for protecting coastal dependent infrastructure or uses (e.g., ports and harbors) and in some cases to protect access to the shoreline. Thus, the increasing threats of SLR only heighten long-standing coastal hazard challenges along the California coast, including how to balance the protection of coastal development and coastal resources when emphasizing one is typically at the expense of the other.

As detailed above, the Coastal Act mandates the protection of public access and recreation along the coast, coastal habitats, and other coastal resources, as well as providing priority for visitor-serving and coastal-dependent or coastal-related development while simultaneously minimizing risks from coastal hazards. Accordingly, the Coastal Act places a strong emphasis on protecting natural landforms and shoreline/beach access and related resources, while also requiring that risks be minimized in association with coastal hazards, including via ensuring stability and structural integrity for development over time without armoring, and avoiding adverse impacts to natural processes and coastal resources. The Act also recognizes that shoreline-altering development, such as armoring, can cause significant adverse impacts to coastal resources such as sand supply and ecology, public access, coastal views, natural landforms, and shoreline processes, and thus requires approvable armoring to avoid or minimize coastal resource impacts, and to commensurately mitigate for allowed impacts that are unavoidable. More recently, the Coastal Act was also amended to explicitly require the Commission to consider the effects of SLR in coastal resource planning and management policies and activities to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of SLR.

Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, cliff retaining walls, groins, and other such structural or “hard” methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, under Section 30235 shoreline armoring may be approved to serve coastal-dependent use, or to protect existing (not new or redeveloped) structures or public beaches in danger of erosion (subject to the requirement that adverse impacts to local shoreline sand supply are mitigated or eliminated, and per other Coastal Act sections that other coastal resource impacts are also addressed). In other words, new or redeveloped non-coastal-dependent developments cannot rely on shoreline armoring in their proposed siting and design, and instead must be located safe from coastal hazard threats without reliance on such devices. This is true even as to new development that may not include a proposal for new shoreline armoring because it is sited in locations already protected by

existing (and possibly legally permitted) shoreline armoring, as Section 30253(b) states that new development shall not "in any way require the construction of protective devices that would substantially alter natural landforms…"

In short, the Coastal Act requires new development to minimize risks to life and property while ensuring stability and structural integrity without contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area. It also provides that new development or redevelopment that would rely on shoreline armoring is prohibited and that adverse impacts of shoreline armoring to coastal resources such as sand supply be avoided, lessened, and mitigated for (where impacts are unavoidable). Thus, while the Coastal Act recognizes that shoreline-altering development in response to coastal hazards, such as armoring, may be required in certain very narrowly defined situations, it also reflects that such armoring can cause significant adverse impacts to coastal resources due to its effects on natural landforms and processes (which impact, among other resources, public access and recreation), the introduction of manmade structures into the public view, landform alteration, and changes to shoreline habitats and ecology. Given these impacts, the Coastal Act allowance for shoreline armoring is probably best understood as an exception, variance, and nonconformity with respect to the Coastal Act's resource protection policies. This is the lens in which coastal hazards and shoreline armoring must be reviewed and evaluated.

As such, for consistency with the above Coastal Act policies, an updated LUP must, at a minimum, include the following: policies that require new development to be safe from coastal hazards risk, including as these hazards may be exacerbated in the future due to climate change and sea level rise; policies that specify which uses are potentially allowed shoreline protective devices, namely coastal-dependent development and other "existing" development that is considered as such because it was built prior to the Coastal Act's effective date (i.e., January 1, 1977) and not redeveloped (as that term is used and understood by the Commission) since; and, for such development allowed shoreline protection, specify the requirements and mitigation measures needed to ensure resultant coastal resource impacts are mitigated, including with respect to impacts on sand supply, as well as public access and recreation, public views, beach ecology, and other coastal resources.

Taken together, the Coastal Act's provisions for SLR planning, coastal resource protection, and minimizing risks from coastal hazards – combined with the increasing scientific certainty that SLR is and will continue to increase coastal hazards along the shoreline – elevates the need for local governments to understand the projected sea level rise impacts within their jurisdictions and to implement robust and sustainable coastal hazards policies in their LCPs. To this end, the proposed LUP Update represents a substantial step forward, and the suggested modifications (see below) are primarily focused on integrating the most up-to-date science, best practices, and ensuring consistency with the coastal hazard provisions of the Coastal Act, which are of paramount importance to the health and safety of the coastal communities along Sonoma's coast.

The County's proposed LUP includes somewhat unconventional metrics for defining sea level rise. It uses a 7-foot sea level rise forecast as the basis for integrating sea level planning and resiliency into all elements of the plan. Based on OPC's 2024 SLR guidance, Sonoma's coastline could experience 7 feet of SLR by approximately 2130-2140 under the Intermediate-High scenario, or as soon as 2110 under the High scenario. SLR estimates are always changing, however, and cannot be perfectly predicted to be 7 feet (or any specific number, for that matter) and therefore are referred to by an amount of SLR over time. In the County approved glossary, any reference to 7 feet being the standard for SLR has been modified to be deleted, and the definition for SLR has been modified to be simplified as follows: "The increase in the level of the world's oceans due to the effects of global warming." Therefore, many of the suggested modifications recommended for the coastal hazards chapter are focused on incorporating the best available science, such as the most up-to-date SLR guidance and reports from the Coastal Commission and Ocean Protection Council, and fixing numbers, dates, and statistics to be as up-to-date as possible.

Similarly, updates to policies regarding development sited on or near the public trust lands are necessary to reflect the Commission's latest guidance regarding how rising seas may impact development located currently on, or soon to be public trust lands. Such modifications make clear that such development may not be allowed to remain given its public trust encroachment, and that given those evolving circumstances other public interests such as State Lands may be implicated. This assures that state resources such as public trust lands can be preserved for public interest, even in light of rising seas, consistent with Coastal Act requirements around the protection of public coastal resources, even in the face of increasing hazards.

As indicated above, the Coastal Act is generally anti-armoring, however, Section 30235 does allow armoring "when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply." The original language of the proposed LUP Update was overly restrictive of shoreline armoring particularly in the case of coastal-dependent development or uses, and was therefore in conflict with the circumstances that allow armoring as outlined by Section 30235. Accordingly, modifications for Policy C-PS-1a, Policy C-PS-e, and Objective C-PS-2.2 are recommended to align the LUP's shoreline armoring policies with that of Section 30235 of the Coastal Act. Appendix E, which reiterates these policies, has also been modified to reflect the changes to the LUP provisions cited above. In a similar vein, the term 'coastal redevelopment' has been modified to the more straightforward term "redevelopment," and the definition of redevelopment has been corrected in the LUP's proposed Glossary to more accurately implement the Coastal Act-consistent definitions of "redevelopment," "new development," and "existing structures," which mirror Commission guidance regarding development and redevelopment in hazardous areas and better account for all such development, including clarifying impact eligibility for shoreline armoring consistent with the Coastal Act. Other modifications, such as

additions around how to define and site critical infrastructure, are also included, including as suggested through past Commission guidance.[13]

Where feasible, development should be sited to avoid high fire hazard areas, in order to minimize risk to life and property. Where such siting cannot feasibly be avoided, these risks can be minimized through other techniques, including vegetation management to create defensible space around structures. But such vegetation management (sometimes referred to as fuel modification or brush management), if in or adjacent to significant native or environmentally sensitive habitat areas (ESHA) or public parklands, can adversely impact and significantly degrade the qualities of those areas. Fire management policies can sometimes come into conflict with the ESHA and other coastal protection policies of the Coastal Act, and thus carefully crafted policy language aimed at striking a safe and appropriate balance is required, as stipulated in the fire-related modifications in Section 5 of Chapter 7 (Public Safety). These modifications are primarily focused on fixing grammatical issues, clarifying unclear policy language, and bringing the fire-related hazard policies of the LUP Update to be fully up to date with Coastal Act policies, including coordination with other state agencies, such as CAL FIRE. Other minor edits to the hazards fire policies are required to reduce fire risks of proposed development by requiring hardening, weatherization, and water supply/sprinkler systems. In addition, consistent with ESHA protections, buffer requirements, and suggested modifications for the natural resources chapter, suggested modifications for the fire hazards policies are required to clarify that fuel modifications and vegetation management for fire hazards management should avoid ESHA and ESHA buffers as much as possible. Again, see suggested modifications in **Exhibit 2**.

Thus, with these modifications, the Update's proposed coastal hazards provisions can be found consistent with the Coastal Act.

## H. Tribal and Cultural Resources

### *Applicable Coastal Act Provisions*

The Coastal Act also addresses protection for cultural resources as follows:

> ***30244.*** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

### *Analysis*

Policies in the proposed LUP Update clearly establish requirements and processes for

[13] See, for example, the Coastal Commission's *Sea Level Rise Policy Guidance* last updated earlier this year in 2024.

Native American consultation consistent with the provisions of SB 18,[14] AB 52,[15] and the Coastal Commission's Tribal Consultation Policy.[16] The proposed LUP Update also includes policies intended to ensure the protection and preservation of archaeological, tribal, and cultural resources (including "tribal cultural" resources, which can encompass viewscapes and subsistence areas) in coastal Sonoma County from development pressures, rising sea levels, and wildfire risks. Policies provide for the identification and documentation of archaeological and paleontological resources, and call for surveys for projects located in archaeologically sensitive areas. The proposed LUP Update also includes notification and consultation requirements in order to ensure adequate mitigation and monitoring plans to avoid or minimize any identified impacts to tribal or cultural resources.

In late 2019, Sonoma County staff contacted relevant local Tribal governments to review the proposed LUP draft and received comments from Kashia and Graton, and then formally entered into consultation with these tribes. As a result, policies from the 2018 California Coastal Commission Tribal Consultation Policy were incorporated to improve preservation of cultural resources, improve communication between Tribal governments and Sonoma County, and treat resources with culturally appropriate dignity. In June 2024, Commission staff conducted additional tribal outreach/ consultation regarding the proposed LUP Update and no additional comments were received from tribal contacts regarding the tribal cultural resources policies. Given this thorough tribal consultation process and incorporation of tribal feedback, only one suggested modification is required to clarify that CDP conditions of approval requiring notification and evaluation of resources upon discovery of any cultural resources are required if the resources are determined to be Native American.

Thus, with the suggested modification, the Update's tribal and cultural resources provisions can be found consistent with the Coastal Act.

## I. Environmental Justice

### *Applicable Coastal Act Provisions*

The Coastal Act explicitly identifies the need for equity and environmental justice and allows the Commission to consider coastal resource issues and impacts through that lens, including in LCP/appeal cases if the LCP itself is silent on such issues. The Coastal Act states:

> ***30013.*** *The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing*

[14] SB18 amended Section 815.3 of the Civil Code, amended Sections 65040.2, 65092, 65351, 65352, and 65560 of the Government Code, and added Sections 65352.3, 65352.4, and 65562.5 to the Government Code, relating to traditional tribal cultural places (Chapter 905, Statutes of 2004).

[15] AB52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to the CEQA portion of the Public Resources Code relating to Native American issues (Chapter 532, Statutes of 2014).

[16] Adopted in 2018.

> *the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.*
>
> ***30107.3.*** *(a) "Environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (b) "Environmental justice" includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.*
>
> ***30604(h).*** *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.*

To implement its Coastal Act environmental justice authority, the Commission adopted an Environmental Justice Policy ("EJ Policy") to guide and inform its decisions and procedures in a manner that is consistent with the provisions in, and furthers the goals of, Chapter 3 of the Coastal Act and certified LCPs. The EJ Policy further articulates environmental justice concepts, including stating:

> *The term "environmental justice" is currently understood to include both substantive and procedural rights, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made.*

Thus, the Commission's EJ Policy underscores the importance of both substance (i.e., evaluating whether projects do or do not disproportionately distribute environmental benefits and burdens) and process (i.e., ensuring that those potentially affected by proposed development have an equitable opportunity to participate in a transparent public process).

***Analysis***

The Coastal Act requires that environmental justice be considered in terms of all coastal resource areas, requires that coastal development does not unduly burden any particular segment of the population with adverse coastal resource impacts, especially those communities that historically have been overburdened by such impacts, and reflects a focus on explicitly requiring fair treatment of all people in the application of the Coastal Act and LCP.

Environmental justice issues and considerations appear throughout the Update, including in policies ensuring public beaches and parks in the coastal zone are free to access, maintaining lower-cost user fees, and creating a safe and attractive environment which is accessible for all, including people with disabilities, seniors, and younger residents and visitors. However, the County approved LUP Update has more general policies around considerations of impacts to all people, but doesn't contain explicit environmental justice policies in accordance with the Commission's Environmental Justice policies and guidance.[17] Therefore, to assure consistency with both the Coastal Act and the Coastal Commission environmental justice guidance, a suggested modification (see Policy C-PA-3f in **Exhibit 2**) adds a standalone, specific environmental justice policy under the more generalized Objective C-PA-3.1 in the Public Access chapter of the LUP Update. This suggested modification language is focused on providing an environmental justice policy structure for any future updates to the LUP and IP, as well as to elucidate the need for robust and equitable public engagement and targeted outreach with environmental justice communities and historically underrepresented communities more generally.

With the suggested modification, the Update's environmental justice provisions can be found consistent with the Coastal Act.

## J. LUP Maps and Figures

The County indicates that the maps and figures submitted as part of the proposed Update (see **Exhibit 3**) include discrepancies that do not reflect what was intended to be approved by the Board of Supervisors on July 17, 2023. Specifically, according to the County, although the Board approved certain maps and figures that were also approved by the Planning Commission, it intended to actually sign off on maps and figures that corrected certain technical inconsistencies therein (e.g., labels for such things as updating "proposed" access point to "existing" or "existing and proposed", etc.). The Commission's intent herein is to approve the maps and figures that the Board intended, and suggested modifications are provided for that purpose (see **Exhibit 4**, which provides an overview of the changes necessary), as well as to ensure that the approved maps include the most up-to-date data and statistics (at the request of County staff).

## K. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures

[17] See https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review (citing Sections 15250, 15251(f), and 15265 of CEQA and Sections 21080.5 and 21080.9 of the California Public Resources Code, which exempt local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

## 4. APPENDICES

### A. Substantive File Documents[18]

- Currently certified Sonoma County LCP
- County LCP Update submittal packages
- Prior Commission staff comment letters on the LUP Update
- Public comments on the LUP Update
- Appendix L of the Proposed LUP Update (Bodega Harbour Settlement Agreement from 1977)[19]

### B. Staff Contact with Agencies and Groups

- Permit Sonoma (Sonoma County Planning Department)

[18] These documents are available for review from the Commission's North Central Coast District office.

[19] The file size of this legal document is too large to include as an exhibit to the staff report. The settlement agreement is already in the public record, and is not being modified in any way as a part of this Update. It is therefore readily available upon request via email to CCC North Central staff.

- Sonoma County Regional Parks Department
- Sonoma County Coast Municipal Advisory Committee (CMAC)
- UC Davis Coastal and Marine Science Institute (Bodega Marine Laboratory)
- Surfrider Foundation
- Bodega Harbour Homeowners Association (BHHA)
- CAFF (Community Alliance with Family Farmers - Sonoma County Chapter)
- CNPS (California Native Plant Society - Milo Baker Chapter)
- Coastwalk/CCTA
- Forest Unlimited
- Friends of Jenner Creek, Committee of Jenner Community Center
- Madrone Audubon Society
- NAACP Santa Rosa - Sonoma County Branch
- Neighbors of West County (NOW)
- Russian River Watershed Protection Committee (RRWPC)
- Save the Sonoma Coast (SOS)
- The Wildlands Conservancy