

DETAILS ABOUT THE SONOMA COAST PAY STATION HEARING SCHEDULED BEFORE THE COASTAL COMMISSION ON APRIL 15, 2015

The County of Sonoma has a Certified Local Coastal Program (LCP) which is an official document that regulates land use issues in the coastal zone of Sonoma County. It governs such things as the erection/installation of signs, structures, parking meters, buildings, and so on, along our coastline. It also governs public access to beaches and preservation of environmental resources. The County’s LCP was “certified” by the State’s California Coastal Commission (CCC). The CCC is the State agency that regulates land use along our statewide coastline. Every county is required by the State to submit an LCP to the CCC for certification that it complies with California’s Coastal Act. The Coastal Act is the State law that governs land use in the coastal zone statewide and also **guarantees the public free access to our beaches. Beaches, below mean high tide, are public property according to State Law.** Sonoma County’s LCP has been certified to comply with the Coastal Act. Under the Coastal Act, once a County **has received certification** for its LCP, any person, company or public agency that needs a building permit (Coastal Development Permit CDP) must apply to the **County rather than the State** for a permit. The County then can consider whether the item applied for complies with the County’s LCP, and therefore the Coastal Act. If the County determines that the project described in a permit application does **not** comply with its LCP, then the County can “deny” the permit and not allow the project to proceed.

State Parks applied for a permit to install self-pay devices along the Sonoma Coast. It applied for permission to install 15 devices along various beaches. These locations are along some 35 miles of coastline in Sonoma County including:

Sonoma Coast State Park	Salt Point State Park	Stump Beach
Russian Gulch	Goat Rock	Shell Beach
Portuguese Beach	Schoolhouse Beach	Salmon Creek
Campbell Cove	Bodega Head	Blind Beach

Many of these locations are unimproved parking lots with no amenities.

The County of Sonoma’s Planning Commission, and then its Board of Supervisors, UNANIMOUSLY DENIED State Parks application for a permit because the application for installation of these devices did not comply with the County’s certified LCP. Among other reasons, the application was very vague and did not support the County’s public access policies. State Parks has now appealed this denial to the Coastal Commission. The Coastal Commission’s own staff report states:

“After reviewing the local record, it is clear that the County had valid reasons under the Coastal Act and the LCP to deny the proposed project. In denying the project, the County found that the iron rangers would adversely impact existing available public access in a variety of ways, including reducing general public access overall, disproportionately reducing access for lower income users, and causing a variety of impacts associated with increased use of highway pullouts and similar such informal parking areas along the coast when users searched for alternatives to paying fees (leading to potential safety, habitat, and other resource issues). Critically, there was a lack of specificity associated with DPR’s proposal, not the least of which being DPR’s lack of identification of what the fee amount or fee program was proposed to be, as well as lack of detail regarding the potential resultant effects on public access. The County found

that denial was warranted in part due to the lack of evidence to support a finding that access would not be reduced. The County was also concerned that there was no assurance that the fees collected would be put back into Sonoma County State Park units, as opposed to going to other State Parks statewide. Overall, the County made the case that access to the 55-mile Sonoma County coast is predominantly automobile driven, and that the project as a result would have significant adverse impacts to public access inconsistent with the Coastal Act and the LCP. Based on a review of these County findings, the Commission might decide that the appeal by DPR raises “No Substantial Issue” and uphold the County’s denial of the project.”

The Coastal Act’s section about appeals lists **only two reasons** that the Coastal Commission can re-assume jurisdiction over a permit application that has been **DENIED** by a County, when a certified LCP exists. *The County has jurisdiction over permits in its coastal zone*, rather than the State’s Coastal Commission, **UNLESS** the County **DENIES** a permit application related to one of the two situations below:

1. The denial of a permit for a power plant
2. Thee denial of a permit for a major public works project.

In these two instances the Coastal Commission may **review** the local jurisdiction’s denial, if the applicant appeals to the Commission, and make a determination on whether there is a “substantial issue” regarding compliance with the LCP and the Coastal Act. If it finds a “substantial issue” (in other words, the project may **not** comply with the LCP or the Coastal Act) the Coastal Commission can assume control over permitting for the project. Clearly 15 “parking meter’s” do not constitute a “major” public works project under the **intent** of the Coastal Act, however, State Parks has asserted that they do, even though they also assert that their project does not fall under CEQA. They even initially asserted that they do not need a permit to install the devices. It is also hard to argue that parking devices maximize public access to the coast as required by Sonoma’s LCP and the Coastal Act, but amazingly State Parks does make this argument. Under what is undoubtedly pressure from other State agencies, the Commission staff agreed to hear State Parks appeal to determine if there is “Substantial Issue”. If, at Wednesdays hearing they do find “substantial issue”, then the CCC will follow on with taking jurisdiction regarding this matter.

This Appeal is really about the State’s attempt to supersede local government’s jurisdiction over matters granted to local government by the Coastal Act when a certified LCP is in place. This is about the State attempting to take control when it disagrees with a decision appropriately made by local government under the law. It is unfortunate that State Parks has pursued this tactic since the County of Sonoma has tried to work collaboratively with State Parks to identify viable and more substantial sources of revenue for all of our parks in Sonoma County. Coastwalk urges the Coastal Commission to find “no substantial issue” with State Parks appeal and urges State Parks and the County to work together to find local solutions to their revenue needs that are in support of all Sonoma County Parks.