



**Special Meeting**

**Land Use Committees of the**

**Lower Russian River and Sonoma Coast Municipal Advisory Councils (MACs)**

**August 18<sup>th</sup>, 2021**

**5:30-7:00pm**

**Call to order**                      MAC Clerk/Mary Agneberg

**Pledge of allegiance**              Group

**Roll call**

**Land Use members Present:** Kyra Wink, Mike Nicholls, Beth Bruzzone, Scott Farmer, Brian Leubitz

Staff liaison: Elise Weiland

**Absent:** Nic Pereira

**Kyra Wink** Chair of the Land Use Standing Committee for the Lower Russian River MAC and chairing this special meeting today. This meeting was scheduled to give Land Use committee feedback and public feedback to 5<sup>th</sup> District Supervisor Lynda Hopkins to bring forward to the Board of Supervisors for their meeting with Permit Sonoma at the end of this month to discuss land use permits/special event permits.

The agenda is a one item agenda- it's to talk about the permit process.

**A. Approval of Agenda** – Chair, Land Use Standing Committee for the Lower Russian River MAC Kyra Wink called for a roll call vote on the agenda.

Kyra Wink – yes, Mike Nicholls – Yes, Brian Leubitz – Yes, Beth Bruzzone – yes, Scott Farmer – Yes. The agenda was approved with a vote of 5-0-0.

Agenda Item:

Event Permit recommendations for the Board of Supervisors

- Chair Kyra Wink overview of the three points that went out in the published agenda: She first talked about this special meeting of the land use committee for the Sonoma Coast and Lower Russian River MACs which are advisory councils for Supervisor Hopkins. All authority for permits still resides with the agency overseeing that particular permit in this case Permit Sonoma. The MAC's role is to provide an additional local source of information and input so that residents can better be informed and more engaged in this process. This meeting is not to make any binding decisions on land use policy. It is to inform the community on the process and to gather ideas and suggestions that would be provided to the events permit team and Supervisor Hopkins in preparation for a workshop with permit Sonoma on updating the events permit process. At this time the workshop is scheduled for August 31st at the Board of Supervisors meeting.
- The second point talks about event permits as ministerial in nature meaning that any application that meets the guidelines in the application are automatically granted with little room for input on events that may have a significant community impact. It is highly unlikely that the Board of Supervisors will change the ministerial nature of this event permit process, there was an opportunity through participation in the land use committee meeting, in the Board of Supervisors meeting or direct comments to Permit Sonoma to suggest guidelines to be added to the application that can help reduce the risk to help in the safety of these events in our communities
- The third point references current event encroachment permits for events affecting roads (attached to agenda). Zoning permit information is available at the link to Permit Sonoma

**B. Conflict of Interest-** none

**C. Correspondence-** none

No changes to the agenda were offered during Committee Comment or Public Comment.

**Land Use committee member comments:**

**Scott Farmer** - Our interest is in when the public is impacted significantly, and when highways are impacted because that's how we get in and out, and there's only one way to get in and out.

CalTrans has jurisdiction over highways, and the county rubberstamps that process when there's an event permit that only involves county roads.

- Adjustments on Permit Sonoma application form.
  - Change the mailing address to add a physical address with the CalTrans application. Only 501(c)3 and government agencies in the county and cities and 501(c)3s that had offices within the county are eligible to apply for these permits.
  - The county permit form should (specify?) if applicant is a 501(c)3 or not and indicate on the county application that a CalTrans and encroachment permit is required, to show if highways are being used or just county roads. And list state routes or highways that are involved specifically.

- Another portion of this county application form requires certain notifications. For fire services and local fire districts the notification goes to a central county office and my experience is that the notification to the local agency sometimes is not as timely as would be desired.

**Beth Bruzzone**- We have some remarkable habitat and we need to really think about the impact on our remarkable environment.

- I also great concern about local notification as did Scott. I think it should be go straight to local authorities and I think it should be no less than 90 days to vet whatever these events are to make sure there's not going to be a negative impact to see a plan as to how everything is going to be coordinated.
- I also have great concerns of the conflict between ministerial and discretionary. I believe that this permit is a special type of permit because of our Coastal Commission and we can't treat these kind of permits on the coast the same way would anywhere else in Sonoma County. What constitutes an event? For example, bike clubs avoid filing permits for practice rides by spacing the groups of riders going out as they do their practices. So what constitutes an event? How would this apply to some of our parks and conservation easements that that might get sticky with some events? We need to know every possible detail so if there is conflict, we can make sure that we all come together as a community look at this the proper way to make sure there's no conflict about it going forward.

**Mike Nicholls** - The coast is under the auspices of the Coastal Commission, and that is an entirely different picture than what we face generally speaking inland in the river area where it's mostly county. The county has a responsibility rather than the state for oversight.

- Lead-time notification is extremely important. Applicants have applied as many as 120 days in advance of an event and we don't receive notification from Permit Sonoma until about a week before the event happens. It's vital to receive information on a timely basis.
- Regarding Scott's comments about CalTrans being only for nonprofits. I know that we have filming permits available for car commercials at Meyers Grade and so forth on Highway 1. Special events are different than filming events.

**Brian Leubitz** - We need to make sure the Land Use Committee is getting all these event permits so that we can vet them through our own purposes. From a county perspective, I think CalTrans should be doing more with the roads like Highway 1 where events are trapping people.

- Roads which with only way in and out should have a special check box so those folks who are going to be trapped will get some sort of greater notification. Whether that's a checkbox and them having to do that extra paperwork or some other process.
- People who want to get a permit on Hwy 1 where there's no other way in and out and they're shutting down for four or five hours should be directly contacting those folks.

- There are other sort of limiting forms that we could introduce that would help get these things to be more noticed by the local communities, if there are certain limitations on the road or anything like that. There are some other box that we should be introducing into the forms.

**Scott Farmer** - There is a requirement for submitting maps and possible detours in county roads. When you have just Highway 1 or just Highway 116 it's a different issue. Then it's CalTrans responsibility to address those issues.

**Mike Nicholls** - Good point about CalTrans... there are 14 different highway districts within the state of California and they operate completely differently. I think that the group up in Eureka has been friendlier to the folks of Mendocino County as far as events and so forth and working with him than the San Francisco division has been for our areas. We're the step sister if you will when you look at the big giants of San Francisco Contra Costa Alameda Marin and so forth and word we're the guys that they kind of forget about it times alright thank you

**Kyra Wink** - Monte Rio and Villa Grand recently had a filming event for a movie and it blocked off Bohemian Highway. Thanks to Mike, I was able to get notification out to a lot of people and of course I still had those that were upset that they were not notified. The film crew was able to film in 15 minute blocks to accommodate some flow of traffic.

Nobody in the community ever heard about the filming and the only way I heard about it was because Mike has a few connections.

- I'm hoping that Supervisor Hopkins can bring it forth as a suggestion that at least the MAC reps for their areas all receive information on any and all event permits and they can see which ones may affect them or their community members
- There needs to be some way to communicate more readily out to the communities that are affected.
- Moscow road is one of our evacuation routes. Shutting down an evacuation route really scared people.
- We need to give our communities a chance to have some input into this because what I might not think about as a MAC rep, there are other people that have great ideas. What about the school buses, local buses? Community input raised my awareness.

I will register in my comments through Permit Sonoma suggestions on their event form and I ask all of you to do the same. I think it's a good idea that we give them as much input as we can.

**Scott Farmer** - Bus routes and that type of thing are addressed in the applications. What we're doing here is designing it so that we do hear early, and we do get the word out. That will be a part of our job.

**Mike Nicholls** – Forms will come through with maybe eight events on a on a particular form, I'm addressing specifically bike events. I was mailed a copy of the application form and three of the

events in form had already taken place. Folks were troubled by the fact that an event was going on and no one knew about it. They thought it was un-sanctioned and it turned out it was a sanctioned event by the county. So again, it gets right back down to communication. I think if they do a better job of communicating we can better inform our communities.

- Rather than having each of us submit our suggestions to Permit Sonoma I think we should probably run it through Kyra and then have one master form go forward that everyone approves.

**Kyra Wink** - I'd be happy to do that.

**Beth Bruzzone** - Kyra brought up a really important topic and that is safe evacuation. There are times years the time of the year when we shouldn't have any events or events so small that they are not going to be a significant impact.

**Kyra Wink** - Another suggestion from the filming event in Monte Rio, is making sure that when you're closing a road for filming or an event that they have the big digital signs that say road closed up ahead because several people got stuck behind the road closure and they said if they had known a mile ago they could have gone a different route and not been late for work.

### **Public Comment**

**Cea** - Supports the suggestion on improved notification. The Coastal Act and the local Coastal Plan specific to the coast determines that anything that impacts public resources or coastal resources and public access is considered development. You would need a coastal development permit in order to have that event and that has a very specific process and review.

It is not ministerial on the coast therefore combining these committees when you have different governing laws is somewhat worrisome although there are commonalities for example notification, times of year, things like that but I think you need to be really careful here because we don't want to undo what the Coastal Act and the Local Coastal Program already guarantees and already protects.

And we don't change any of the existing provisions that make an event like this discretionary on the coast rather than ministerial so my suggestion is that you do not combine on that level and also that you reach out to people to land use folks here coastal act folks here people who have a firm knowledge of the local coastal program as you're formulating any of these maybe general recommendations on notification or times of year

And so I'm very concerned about the joining of these two groups acting as if they are governed under the same law when they're not. I'm also very concerned about statements that events are ministerial on the coast.

**Scott Farmer** - I want to clarify we haven't joined these committees. We're going to go forward separately; we're only here to discuss a common interest of how this process is developed.

**Norma** - It very much concerned me when I saw the agenda item that said event permits are ministerial in nature. That's patently false with respect to the coast. We will not stand for any attempt to jam special events through as ministerial permitting. That undermines the entire California Coastal Act and Coastal Plan protections.

Also the idea to send in group comments. Two very different perspectives are being represented on your joint committee and that what is relevant to the inland is not necessarily relevant at the coast, although there are many in common, but there are very specific concerns with respect to the coast that have to be pointed out and adhered to ongoing.

**Kyra Wink** - It really is critical that we not interfere with the Coastal Plan and protections. The only reason why the Lower Russian River MAC Land Use committee and the Coastal MAC is meeting today on this agenda is we just wanted, before the 31<sup>st</sup>, to get our interests and our ideas out. We can separate them even though we may group them together we can separate it from lower Russian River to Coastal MACs so that we're not combining the two thank you for that point any other comments from the public

**Eric Koenigshofer, 5<sup>th</sup> District Planning Commissioner** - It's good that the two MACs are meeting. I can imagine a variety of situations where an event on the coast in the Coastal MAC domain could have huge impacts on everyone on Highway 116 getting to the coast.

The level of protection that the Coastal Act requires within the coastal zone is obviously a minimum level of protection and doesn't prevent the county from being more ambitious in any category so long as it doesn't conflict with the state law requirements.

As the Lower River MAC looks at this issue and you differentiate the two areas, not all of the Coastal MAC is in the coastal zone however most of it is. There may be aspects of what's required under the state law in the coastal zone that would appeal to you in the lower river portion. The county would not be permitted from stepping up its act relative to event regulation in the lower river area where appropriate to match it to the level of protections that are found in the coastal zone. You might want to actually look into that a little bit and see if there's anything there.

There was a lot of talk just now about the coastal zone and whether or not ministerial etc. versus discretionary. If either or both of them MACs have opinions on whether or not the current arrangement about the reach of ministerial permits is OK, or potentially too great, and you want to pull that back a little bit and push more over into the *discretionary realm*. I would encourage you to weigh in on that issue.

Having followed the origins of both MACs and the intention of Supervisor Hopkins and the board when they were created, I think that kind of input is really important. I'm not saying you've already decided to accept the standard current state of affairs but if there is any reluctance or timidity about weighing in on the issue of discretionary versus ministerial I would encourage you to be bold.

10 day appeal period is interesting because to make an appeal you have to pay a fee. The fee associated with an appeal can have a chilling effect on the ability of an individual or neighborhood to actually file an appeal. You might look at that and consider whether there any circumstances under which you think it's fair and in the community interest that an appeal could be filed and the permit fee could be waived or reduced.

When I look at this and look at the whole issue of events, most of these events aren't put on for the benefit of the people that live in the area. The merit of any event has to be weighed against that it's intrusive and has impacts. I'm inclined always to side more with the people that live here than the people that visit here.

What happens if you have multiple events or applications for events that are unrelated? Is it time of application filing that takes precedent? How does that get worked out?

If the county or CalTrans is looking at each application in isolation and you missed the potential that you could have very significant impacts of conflicting events. Cumulative impact is an important issue.

You've touched on events in fire safety there's a question I think of limiting size, seasonality which I think Beth brought up earlier, and also the possibility that irrespective of an approval if there's a red flag warning an event could be cancelled. It's worth looking at especially in our recent several years of experience if this is the new normal- the idea of prohibiting events during fire season should be seriously looked at.

The CalTrans office we deal with is in Oakland and I only say that to point out that responsiveness or awareness and sensitivity to the nuanced interests of the community is affected. We wouldn't have a high level of expectation for CalTrans, and this I don't mean this in a pejorative personally critical way, but you know they're not here they don't understand the things as well.

The MACs should receive notification on the day that the application is received by permit Sonoma. End of discussion. It just defeats the purpose of the MAC if you're not in the mix from day one.

I would really look at two things, the ministerial versus discretionary, what are the criteria and thresholds for those for one versus the other. You can see where some much smaller event maybe the total hundred people or something like that I think about like the parade in Bodega which you know for it to last 30 minutes it has to go around the block two or three times, and people can move through during that time.

An event of any size that would have CalTrans approval on Highway 1 is going to have impacts on county roads. I would think anytime there is an application for a Highway 1 permit from CalTrans there would also have to be an application to the county for a secondary roads that are impacted by the disruption traffic flow on the state highway. That would apply also to Hwy 116.

I really want to be able to have a good flow of information from the MACs and the individuals on the MACs. Please don't hesitate to call me if there's anything on the agenda. Or anything that you want to talk about long term.

**Elise Weiland** – staff. Thank you for that information Eric, it was really helpful... I had a meeting with Permit Sonoma about this a couple of weeks ago and they did explain that because the non LCP permits are ministerial in nature they approve them. It's in order received and they don't wait to see if another one comes in. You may get a permit approved for a bike race on Saturday and then another one approved for Sunday morning and then another one approved for Sunday afternoon- as long as they're not at the same time on the same road they can do that.

That's one of the reasons why Leo and the Permit Sonoma gentleman with whom we were speaking said maybe we want to have some sort of recommendation that no road can be closed more than four hours in a three day period. Because they will not change that system of rolling acceptances. But if we create some sort of a framework that says we can only have roads closed for a certain period of time or for a certain amount of effect - that's a way to get around that problem.

**Scott Farmer** - We have the ministerial approach, and then there's discussion of whether we want to make it more discretionary believing that will be able to impact it as a community, and that is kind of a third way and that's just tossing it into the coastal development permit direction. How does throwing it to coastal development permit process flow? It's still through the county is it just changing the checkoff list or how would that practically happen?

**Eric Koenigshofer** - The question whether or not a coastal permit is required is just a question of state statutory construct. It's not optional. The county doesn't decide what requires a coastal permit. The county processes the coastal permits that are required by state law.

If we just assume that the area that's in the coastal zone is going to conform with the requirements of the Coastal Act relative to applications and review, I would be drawn toward a division between ministerial and discretionary that might be applicable in both areas- coastal zone and out of the coastal zone, and even in that portion of the coastal MACs it's not in the coastal zone out in the Bodega area.

If it's a small event the idea of ministerial versus discretionary is all about public review and public process and public input. If you're an applicant it's more tedious and it takes longer. For those of us who feel like the whole process should be duty bound to hear from neighborhoods to get that fine-tuned impact or input that comes from people that live there. If you look to impacts, which impacts are most often mostly connected to the size of events?

If you were setting up a brand new program right now what might you define as the cut off level for ministerial versus discretionary which would require higher level of notification in public review and public input in a public hearing?



Generally speaking the cut off is that something that's ministerial is so inconsequential that it's not going to stir up any significant community or environmental impacts. As the numbers in size or length of time increases then that changes. On the issue of ministerial versus discretionary- you might have the threshold for ministerial but if you do get five ministerial permit applications that are all recognizably small but they happen on the same Saturday and Sunday weekend there's no mechanism. If you create a mechanism that says multiple low level impact events clustered into a certain period of time becomes a *cumulative impact* that we want to have discretionary review of.

**Elise Weiland** - To your point and the other points around evacuation, the people that have been making these decisions are far away. CalTrans is in Oakland, the Permit Sonoma person that we were speaking with in Santa Rosa. Without local involvement, they don't understand the impact.

As you all pointed out, we have a longer fire season and when events impact people's ability to get to work it's another thing. So one of the points that we may want to make is simply educating the permit people, and educating that you have to include some local voice somewhere in the process because otherwise these nuances of how these things affect our community get completely lost.

Is there a way to take notice of whether an event follows the guidelines that they promised in the permit for when they come back the following year? I'm not quite sure Eric you would be able to advise on the legality of this? How would we able to have a review after an event if there are issues and report those to Permit Sonoma so that when they come back the following year for a permit that information that maybe they left trash or that they needed to have another Porta Potty, that there was signs left on the road. If these things were not attended to. I think that's something important to include as well.

**Cea** - A coastal development permit requires notice and hearings opportunity for public comment. That's when you would truly look at the impacts to coastal resources and public access and then propose mitigations or possibly say that this event cannot occur. An applicant is always going to try to say oh this is ministerial. If the event will impact public resources or coastal resources or public access you're going to need a CDP and needing a CDP doesn't necessarily stop an event but it's enough to put the applicant on hold knowing that they would have to go through that whole review process so that's what's guaranteed through a discretionary coastal development permit on the coast.

I agree with Eric in saying how can you ensure more protections governed under the general plan for your ministerial permits for events because it is very true that many of these events especially the larger ones that occur inland impact the coast and ones on the coast would impact inland. Just wanted to clarify what exactly happens when you have a coastal development permit review

**Brian Leubitz** - In terms of how the coastal Commission process works, is there an automatic threshold that triggers when an event needs to go through a public hearings process? If there's a

series of 15 bikers is that small enough that that doesn't impact it but if it's 150 that it does? Is there some sort of threshold?

**Cea** - It has to do with impact to public access and coastal resources so each event is analyzed and it's the responsibility of the county receiving the application in the coastal zone to say you need to apply to the coastal Commission for coastal development permit. But often it's the public finding out about the event and insisting that they need a coastal development permit. The moment that application is received by Permit Sonoma that MAC members are notified so that we can start evaluating. Sometimes you need that local voice to say hey we want more review of this particular proposal.

**Kyra Wink** - Reading Vesta Copestake's question: If fire and flood seasons are part of the formula for when an event occurs or is blocked, how is that season defined?

I don't know if it is defined at this point I think we're kind of trying to make the point that maybe we should say if it's during fire season generally. I would have said September, October, November, but it's starting earlier each year.

**Mike Nicholls** - Cal Fire defines fire season and they defined fire season this year in late April, 1st of May start and last year fire season extended until December 10<sup>th</sup>. So that basically is the definition of fire season in Sonoma County.

**Elise Weiland** - Well perhaps we could make it something a little bit less broad such as during any PSPS events, during any red flag events, maybe we could talk with the emergency services and fire and ask when would this be particularly dangerous. It doesn't seem fair to just take eight months out of the year or six months out of the year, but to have defined times that are particularly dangerous like high wind events, and dry lightning events. We could come up with a list that would be helpful.

**Mike Nicholls** - Many times an event would be scheduled say 2-4 weeks out and we have a two day notification that we've got dry lightning or that we've got a red flag and it would have to be then cancelled. We need to take a look at it.

**Brian Leubitz** - The point of examining at that late date if there is a public safety power shut off probably shouldn't be having major events then.

**Beth Bruzzone** - Eric how do we get ahold of you?

**Eric Koenigshofer** - [Eric.Koenigshofer@sonoma-county.org](mailto:Eric.Koenigshofer@sonoma-county.org) and also my phone number is 707-874-2389 and I welcome your calls. The turnover at Permits Sonoma is so profound over the last four or five years that it's almost entirely brand new staff. We really do need to have a curriculum to intentionally introduce and tune people up on these communities.

Recently there was a hearing at the Landmarks Commission about a house in Bodega Bay but it was actually in Salmon Creek and I pointed out to the staff that I get what you did- the mailing address is Bodega Bay. But that's U.S. Postal service organizational convenience it has absolutely

nothing to do with the communities on the coast. If you're going to publish the billing address you at least parenthetically have to say Salmon Creek or Carmet or Serena Del Mar and you know the same applies in the north part of the coast where everything is Jenner through to Sea Ranch.

The other thing is the scope of the fire risk prohibition period. If there's a red flag warning or a shut off or any of that you know that's like the light turned red. Yes, of course you're going to stop. I would really seriously ponder the question of what do you want to do in terms of when the yellow light comes on. Fairness for the promoters of an event versus safety of the people that live here.

**Rue** - The issues along the coast and the Russian River are different, and the southern coast and the northern coast of Sonoma County are really different so the impacts need I think to be analyzed site specifically.

Anything that happens needs to be addressed site specifically and somebody asked a question about the Coastal Commission and what the trigger is. The trigger is basically defined by the Coastal Commission and the new Local Coastal Plan draft, granting this is not in stone yet, actually allows for certain kinds of projects would avoid having to go to the Coastal Commission. That's of concern to me because of the complexity of our coast - we don't live in a homogenized area where everything is the same.

The public process which also came up a little while ago. The planning department has the capacity to notify jurisdictions and agencies that are responders. Anybody who is supposed to weigh in on a permit externally gets a notification. It is possible to ask for those notifications to be sent to organizations beyond the agencies and jurisdictions so that that notification becomes more of a public awareness? There's lots and lots of tools in the kit bag that we can as citizens asked to be included in any project application including public notification. You just have to ask to get that and as the representatives of the MAC you can certainly be put on that notification list.

**Scott Farmer** - Our impulse when we see ministerial as the process is to say, well what's our role, what's the public's role, and so we want discretion. But we want to recognize that for small events maybe ministerial works, and that the coastal development, the local coastal plan can define where that transition from ministerial to discretion is perhaps. Since it's in a draft form maybe it can be tightened up to actually guide us each from ministerial to discretion

**Liz Gallagher** - offered some observations about car commercials filmed at the coast modelling unsafe driving at the coast and with increased accidents and calls for emergency services. Does not think there is any local benefit from the filming.

**Chair Kyra Wink** concluded with an invitation to reach out with comments or to share your ideas regarding special permits directly with Permit Sonoma.

Meeting adjourned at 6:49pm following a motion to adjourn by Mike Nicholls seconded by Kyra Wink which passed unanimously.