

From: Margaret Grahame <margaret.grahame@timbercoveresort.com>
Sent: Tuesday, June 28, 2022 11:08 AM
To: Jacquelyne Ocana <Jacquelyne.Ocana@sonoma-county.org>; Eric Koenigshofer <Eric.Koenigshofer@sonoma-county.org>; Caitlin Cornwall <Caitlin.Cornwall@sonoma-county.org>; Larry Reed <Larry.Reed@sonoma-county.org>; Kevin Deas <Kevin.Deas@sonoma-county.org>; Gary Helfrich <Gary.Helfrich@sonoma-county.org>
Cc: Cecily Condon <Cecily.Condon@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Marina Herrera <Marina.Herrera@sonoma-county.org>; Elise Weiland <Elise.Weiland@sonoma-county.org>; PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: LCP Update - May 2022 Objective C-LU-5.1: Visitor-Serving Development

EXTERNAL

Good morning all,
Please find attached feedback pertaining to Objective C-LU-5.1 Visitor-Serving Development in the May 2022 LCP Update – proposed for final review by the Planning Commission on Wed June 29, 2022.

Within this, I again respectfully request:

- Removal of all policies that refer to a specific business;
- Removal of the entire Objective C-LU-5.1 until a proper review and assessment can be made, in collaboration with stakeholders.

I look forward to attending tomorrows hearing.

Many thanks,

Margaret Grahame
Project Manager
[Timber Cove Resort](#) | [Coast Kitchen](#)
21780 Highway 1, Jenner, CA 95450
Hotel: 707-847-3231
Cell: 831-667-2757



Please share the love for Timber Cove Resort by nominating us for the [Travel and Leisure World's Best Awards 2021](#)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or

Sonoma County LCP Update

Land Use Element: Visitor Serving Commercial Facilities

Goals, Objectives and Policies – May 2022 Draft

The goals and objectives relating to Visitor Serving Commercial Facilities have been developed to **encourage public access and visitor serving uses** (Page LU-37).

Goal C-LU-5: **Encourage** Public Access and visitor serving uses in the Coastal Zone and establish adequate commercial services for visitors on the Sonoma County coast where such development can be accommodated with minimal impacts on views and natural resources.

Objective C-LU-5.1: **Identify** and **develop** new or **expand** existing commercial **services** for visitors in urban service area and rural communities.

Development of Policies

The development of the policies for Visitor-serving Development were based upon the original 1980 LCP Recreation and Visitor Serving Facilities. Subsequent iterations of the LCP have contained little substantial change to the recommendations set forth in 1980. There appears to have been little effort in the writing of the LCP Updates to:

- Review the validity of the initial 1980 recommendations;
- Ascertain what is true now in this sector and location;
- Engage with stakeholders to collaboratively plan for the future needs of this sector.

Request

In the light of the above, the request below was formally submitted to both PRMD and the Planning Commission that was reviewing the LCP Update at the time:

Remove any 'Encouraging Visitor-Serving Development' policy that references a specific business operation. This includes:

- **Policy C-LU-6h:** Encourage a modest scale expansion of existing or certain new visitor-serving commercial uses east of State Highway 1 near the ***Ocean Cove Store***, including overnight accommodations and a public horse stable;
- **Policy C-LU-6i:** Limit development west of State Highway 1 at the ***Ocean Cove Resort*** to a day use area and campground. Any development proposals should include provisions for pedestrian safety on State Highway 1, erosion control measures, rehabilitating the degraded bluffs at the cove, and if needed, the provision of parking for development consistent with Policy LU-6h;
- **Policy C-LU-6j:** Encourage adaptive reuse of the historic barn west of State Highway 1 at the ***Ocean Cove Resort***.
- **Policy C-LU-6k:** Encourage modest scale expansion of existing inn facilities and development of a public horse stable at the ***Stillwater Cove Ranch***.

LCP Update (May 2022) – Policies Encouraging Visitor-Serving Development

- **Policy C-LU-6l:** Limit expansion at the *Timber Cove Inn* to improved parking and public access facilities;
- **Policy C-LU-6m:** Encourage provision of screening and other design improvements at the *Timber Cove Boat Landing*;
- **Policy C-LU-6n:** Allow limited new or expansion of existing visitor or local-serving commercial uses, in the vicinity of the *Fort Ross Store*, subject to design controls review to preserve the area’s scenic character;
- **Policy C-LU-6q:** Encourage expansion of public access the *Bridgehaven Resort*, by adding boat rentals and launching and day use facilities subject to design review. Require public access as a condition for approval of any Coastal Permit for expansion of uses at the resort.
- **Policy C-LU-6r:** Encourage new and expansion of existing commercial uses in Bodega Bay. Encourage expansion of *Chancellor Ranch* consistent with continued agricultural use if water supply and wastewater treatment and disposal requirements can be met.

A copy of the full request is attached.

Basis

The general basis of this request is that the LCP is a document based upon Land Use, which has authority around zoning and land uses, there is no authority to determine the activities of a specific business or operation.

Discussion

Subsequent to this request, PRMD updated their LCP Update with a recommendation to remove all policies referring to a business. The Planning Commission discussed this recommendation during the LCP hearings, including recognition that the LCP did not have the authority to make any determinations around a specific business. They felt that the intention of the policies should remain within the LCP, and directed PRMD to redraft the policies with this direction.

This has not happened. The May 2022 LCP continues to contain reference to specific businesses.

Similarly, there had been no change in the LCP update to address the other concerns raised about the Visitor-serving Policies through public feedback, including:

- Review of the validity of the premises for the individual policies;
- Objective assessment of what is currently true within the Visitor-serving sector;
- Engagement and collaboration with stakeholders to create an effective and meaningful structure for the future.

Summary

In anticipation of the final review of the LCP Update, May 2022, by the Planning commission, the following request is made:

Remove any ‘Encouraging Visitor-Serving Development’ policy that references a specific business operation. This includes:

- **Policy C-LU-5h:** Encourage a modest scale expansion of existing or certain new visitor-serving commercial uses east of State Highway 1 near the *Ocean Cove Store*, including overnight accommodations and a public horse stable;

LCP Update (May 2022) – Policies Encouraging Visitor-Serving Development

- **Policy C-LU-5i:** Limit development west of State Highway 1 at the **Ocean Cove Resort** to a day use area and campground. Any development proposals should include provisions for pedestrian safety on State Highway 1, erosion control measures, rehabilitating the degraded bluffs at the cove, and if needed, the provision of parking for development consistent with Policy LU-6h;
- **Policy C-LU-5j:** Encourage adaptive reuse of the historic barn west of State Highway 1 at the **Ocean Cove Resort**.
- **Policy C-LU-5k:** Encourage modest scale expansion of existing inn facilities and development of a public horse stable at the **Stillwater Cove Ranch**.
- **Policy C-LU-5l:** Limit expansion at the **Timber Cove Inn** to improved parking and public access facilities;
- **Policy C-LU-5m:** Encourage provision of screening and other design improvements at the **Timber Cove Boat Landing**;
- **Policy C-LU-5n:** Allow limited new or expansion of existing visitor or local-serving commercial uses, in the vicinity of the **Fort Ross Store**, subject to design controls review to preserve the area's scenic character;
- **Policy C-LU-5q:** Encourage expansion of public access the **Bridgehaven Resort**, by adding boat rentals and launching and day use facilities subject to design review. Require public access as a condition for approval of any Coastal Permit for expansion of uses at the resort.
- **Policy C-LU-5r:** Encourage new and expansion of existing commercial uses in Bodega Bay. Encourage expansion of **Chancellor Ranch** consistent with continued agricultural use if water supply and wastewater treatment and disposal requirements can be met.

The request is also made to remove Objective C-LU-5.1 of the LCP Update referring to Visitor-Serving services until a thorough and relevant review of the sector be undertaken, including meaningful engagement and collaboration with stakeholders.

Sonoma County LCP Update

Land Use Element: Visitor Serving Commercial Facilities

Request

Remove any 'Encouraging Visitor-Serving Development' policy that references a specific business operation. This includes:

- **Policy C-LU-6h:** Encourage a modest scale expansion of existing or certain new visitor-serving commercial uses east of State Highway 1 near the ***Ocean Cove Store***, including overnight accommodations and a public horse stable;
- **Policy C-LU-6i:** Limit development west of State Highway 1 at the ***Ocean Cove Resort*** to a day use area and campground. Any development proposals should include provisions for pedestrian safety on State Highway 1, erosion control measures, rehabilitating the degraded bluffs at the cove, and if needed, the provision of parking for development consistent with Policy LU-6h;
- **Policy C-LU-6j:** Encourage adaptive reuse of the historic barn west of State Highway 1 at the ***Ocean Cove Resort***.
- **Policy C-LU-6k:** Encourage modest scale expansion of existing inn facilities and development of a public horse stable at the ***Stillwater Cove Ranch***.
- **Policy C-LU-6l:** Limit expansion at the ***Timber Cove Inn*** to improved parking and public access facilities;
- **Policy C-LU-6m:** Encourage provision of screening and other design improvements at the ***Timber Cove Boat Landing***;
- **Policy C-LU-6n:** Allow limited new or expansion of existing visitor or local-serving commercial uses, in the vicinity of the ***Fort Ross Store***, subject to design controls review to preserve the area's scenic character;
- **Policy C-LU-6q:** Encourage expansion of public access the ***Bridgehaven Resort***, by adding boat rentals and launching and day use facilities subject to design review. Require public access as a condition for approval of any Coastal Permit for expansion of uses at the resort.
- **Policy C-LU-6r:** Encourage new and expansion of existing commercial uses in Bodega Bay. Encourage expansion of ***Chancellor Ranch*** consistent with continued agricultural use if water supply and wastewater treatment and disposal requirements can be met.

Basis

The above request is based upon the following:

- PRMD charge to develop land use policy must be separated from private ownership, management or a specific business operation;
- Permitting requirements serve to assess the impacts of a proposal on resources and other constraints;
- A proposal should stand or fall on the merits of the project and it's impact on coastal resources rather than policy;
- A policy should not pre-emptively limit any potential development;
- Policies should reflect accurate, up to date information and not presume continued applicability of the current LCP.

Discussion

Separating Ownership and Land Use

At the February 3, 2022 Planning Commission hearing of the Local Coastal Plan (LCP) Update, planner Gary Helfrich stated the need to:

“Separate out the owner of the property and how things are being operated with our charge to develop land use long term land use policy, because we really can’t make an assumption on who’s going to own and operate something and how it’s going to be owned and operated so that if the problem is how something is operated that should be a revocation of a use permit.”

In essence, PRMD’s charge to develop land use policy, ie the LCP Update, needs to be separated from ownership of property and how things are being operated. Therefore, any reference to ownership, management or specific businesses in the LCP Update is out of order.

Resource Analysis in the Permitting Process

Gary Helfrich also stated:

“However, there’s also a good reason to leave this in because of resource issues.”

Resource issues are comprehensively addressed through zoning regulations and permit requirements for any proposed development – new or expanded – within the coastal zone, **regardless of what the visitor-serving policies state in the LCP**. The permitting process ensures that a proposed development is addressed for any impacts upon resources or hazards through CEQA analysis. This process also addresses conformity of the project with other resource constraints and issues such as water supply, wastewater disposal, pedestrian safety, erosion control, parking, public access and design controls. Therefore, it is unnecessary to leave the policies in because of resource issues because they are extensively covered during the permitting process itself.

Pre-Emptive Limiting

Gary Helfrich goes on to state a:

“Proposal should stand or fall on the merits of the project and it’s impact on coastal resources rather than policy, you know, pre-emptively limiting something, except in instances where there is an identified resource, for example, there is an identified hazard. Basically, there is a land use restriction.”

Policy C-LU-6I, limiting the expansion of Timber Cove Inn **pre-emptively limits expansion of Timber Cove Inn**, before there is any analysis on zoning, resource impact, hazards or other land use restrictions, or in fact, regardless of the results of any analysis.

For this reason, leaving the policy in is more than unnecessary, it actively precludes development from occurring even if the merits of the project show otherwise.

Limiting Timber Cove Inn Expansion – Reason for Recommendation / Policy

With respect to Policy C-LU-6I, limiting the expansion of Timber Cove Inn, Commissioner Eric Koenigshofer stated:

“the policy as far as my recollection had nothing to do with who owned it, it had to do with where it was physically.”

The April 1980 Draft of the Recreation and Visitor Serving Facilities section of the Coastal Plan describes Timber Cove as:

*“the largest overnight facility between The Sea Ranch Lodge and Bodega Bay, and includes a major restaurant and bar. **Management problems and changes in ownership have prevented the inn from maintaining its reputation for high quality, as remarked by some citizens in the survey.** It is recommended that there be no expansion of use here, except improved parking facilities. A public accessway with parking is recommended in the access plan.” (page 13).*

This clearly shows the original recommendation in the 1980 Coastal Plan was based upon limited public opinion of the management and ownership of Timber Cove Inn. Subsequent updates to the LCP have made minimal revisions to this recommendation, (now proposed as policy) with the exception of removal of the original justification for restriction.

LCP Update Process and Existing LCP

Gary Helfrich states:

“There’s absolutely nothing preventing Timber Cove Inn from applying for an LCP Amendment and going through that process individually, so if we leave this policy in, they still have every right to come back to your Commission and go through the process to remove that policy and, if they make an effective case, that should be approved.”

The fact that the proposed policy is essentially unchanged from the current LCP is not an indicator that the status quo is correct. The original basis for the Timber Cove Inn policy was flawed. Subsequent LCP updates have not addressed this error. The draft LCP Update is perpetuating this error and with an implication that in order to be corrected, the current LCP should be amended first and the LCP Update follow the outcome of that amendment process.

There have been many changes made in the LCP Update from the existing LCP. The LCP Update is still being modified and updated as it is discussed and reviewed. Any policies that are based upon erroneous information, information that has changed over the last 40 years, or not applicable to land use need to be corrected in the LCP Update during this review period and not be dependent upon an amendment in the current LCP.