



Sonoma County Planning Commission STAFF REPORT

FILE: PLP20-0009
DATE: 2/10/2023
TIME: At or after 1:00 P.M.
STAFF: Chris Wendt, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner: The Wildwood Conservation Foundation, Attention Ron Wood
Applicant: Leif Glomset
Address: 20111 Old Cazadero Road, Guerneville
Supervisory District(s): Five
APNs: 106-230-007 & -008
Description: Request for a Zone Change from Resource and Rural Development (RRD) to Timberland Production (TP) and related request for immediate cancellation of the existing Williamson Act contract
CEQA Review: Exempt from CEQA as action undertaken to zone a parcel as timberland production pursuant to Government Code § 51113 (Government Code § 51119; CEQA Guidelines § 15268)
General Plan Land Use: Resources and Rural Development (RRD)
Specific/Area Plan Land Use: N/A
Ordinance Reference: Sonoma County Code Chapter 26 (Zoning Code), Article 06 (Agricultural and Resource Zones): Timberland Production District purpose, allowed uses, and development standards
Chapter 26, Article 18 (Agricultural and Resource-Based Use Standards)
Zoning: RRD B6 160, RC50/50
Resources and Rural Development (RRD) B6 160-acres per dwelling unit, Riparian Corridor 50' setback for development/50' for agriculture (RC)

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution that (1) concurs in staff's determination that the project is statutorily exempt from the California Environmental Quality Act pursuant to Government Code section 51119 and CEQA Guidelines § 15264, and (2) recommends that the Board of Supervisors approve the request for zone change



from RRD (Resources and Rural Development) to TP (Timberland Production), after such time as the Board may adopt an ordinance correcting codification errors and reinstating resorts as a conditionally allowed use in the TP District.

EXECUTIVE SUMMARY

This application is in response to Code Enforcement violations relating to the existing Williamson Act contract, zoning violations, and several unpermitted structures on the subject site. Following a complaint (VCM17-0104), Code Enforcement inspected the site, and subsequently several violations were recorded on the property. Guest lodging and an event venue that had been operating on the site violated the Williamson Act contract and the 2011 Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules), and the resort use was operating without a use permit in violation of the site’s RRD zoning.

The applicant requested a Zone Change from RRD to TP, which would allow forest and timber management to continue onsite and would also provide a mechanism for immediate cancellation of the Land Conservation Act (Williamson Act) contract while retaining similar tax benefits through TP zoning. Lands zoned TP are the County’s Timberland Production Zone pursuant to state law (Public Resources Code §§ 51100 et seq.), which is a unique zone under which TP-zoned parcels are taxed as timberland and granted a legal presumption that timber harvesting will occur on the site, while also restricting the uses of the land to timber production and specified compatible uses.

When The Wildwood Conservation Foundation (Wildwood) submitted its application for rezone to TP, cancellation of its Williamson Act contract, and approval of a use permit to operate the resort facility, “permanently located and improved private and public campgrounds, resorts and organized camps” were conditionally allowed in the TP District. (Previous Section 26-14-020(e)) (Attachment A). However, as discussed in the Legislative History section below, Ordinance 6335, adopted in 2021 to modernize, reorganize and streamline substantial portions of the Zoning Code, inadvertently omitted “resorts” from the table of conditionally permitted uses in the TP District. This and many other codification errors have been discovered over time since Ordinance 6335 was adopted. Because the errors were substantive and unintended, staff is preparing an ordinance to bring forward in the near future to correct identified errors.

Because resorts are not an allowed use in the TP district at this time, the proposal before the Planning Commission today is for a recommendation to the Board of Supervisors that it approve the requested rezone at a future date, if and after the Board of Supervisors adopts an ordinance correcting the codification error and reinstating resorts as a compatible use that is conditionally permitted in the TP District.

PROJECT SITE AND CONTEXT

Background

20111 Old Cazadero Road is owned by Wildwood. A Williamson Act contract commenced on March 1st, 1971, and restricts the use of the property to agriculture and compatible uses under the Uniform Rules.

The Wildwood Conservation Foundation indicates that it has operated a retreat center/resort for over 40 years on a 5-acre portion of the 210 +/- acre site. It manages the remaining natural forestland in accordance with an existing conservation easement recorded on the property and held by the Golden State Land Conservancy.



At the time Wildwood submitted its application in 2020, requesting a rezone to TP and approval of a use permit to operate the resort facility, “permanently located and improved private and public campgrounds, resorts and organized camps” was designated as a compatible use in the TP District that was allowed with the approval of a use permit. (Previous Section 26-14-020(e).)

Area Context and Surrounding Land Uses

Direction	Land Uses
North	Resource and Rural Development and Public Facilities- RRD 160 Acre Density; PF (Austin Creek Rec. Area core parcels)
South	Resource and Rural Development and Timber Production - Mixed RRD and TP zoned parcels - 160 Acre Density
East	Resource and Rural Development and Timber Production - Mixed RRD and adjacent TP zoned parcels - 160 Acre Density
West	Resource and Rural Development and Public Facilities- 160 Acre Density; PF (detached Austin Creek Rec. Area parcel)

Significant Applications Nearby

No significant applications have been proposed within the vicinity of Wildwood.

Agricultural Conditions/Land Encumbrances/Contracts

Land Conservation Contract (Williamson Act)

APN 106-230-008 (194 acres) is subject to an existing Type II Williamson Act contract (2-402-71, Book 2516, Page 582, Sonoma County Records). As part of a Code Enforcement investigation, it was determined that the site was operating in violation of its Williamson Act contract because operation of the resort and related events were not compatible uses under the Uniform Rules and the contract. To rectify the violation, Wildwood subsequently submitted its application for rezone to TP and immediate cancellation of the Williamson Act contract. Under Government Code Section 51282.5, a Williamson Act contract may be immediately cancelled without fee if the subject property is rezoned to Timberland Production as provided in Government Code section 51113 and after the rezoning is recorded in accordance with Government Code Section 51117. To comply with the requirements of Section 51117, a Certificate of Rezoning would be recorded following Board adoption of an ordinance approving a Zone Change to TP. This action will complete the Zone Change application and allow for cancellation of the Williamson Act contract and approval of a use permit to authorize operation of the resort.

Conservation Easement

The subject parcels, APNs 106-230-007 & -008, are under a conservation easement held by the Golden State Land Conservancy (GSLC), recorded as Document Number 2003091528, Sonoma County Records, (May 7, 2003) (Attachment B).

The recorded easement requires that whenever Wildwood applies to local, State or Federal agencies for any required permits or authorizations, such as rezoning and use permit applications, that the GSLC be notified by the applicant in writing. A letter from GLSC in support of Wildwood’s project is attached, dated February 21, 2022, along with annual monitoring reports from GSLC for the years 2019, 2020, and 2021 (Attachment C).



The easement allows for the operation of the previously operating resort use. Additional allowed uses, including prohibited uses, may be found under Exhibit B: Wildwood Conservation Foundation Conservation Easement.

Other Environmental Conditions

Timber Harvest Plans

Currently Wildwood has no plans to harvest timber onsite. Although commercial harvest on Wildwood is not prioritized under the conservation easement, other permissible land management activities may require a permit. Replacing culverts, grading roads, prescribed fire, modifying major vegetation types, creating a quarry, or any other potential ground disturbing activities. Permits are often under the purview of different agencies, so coordinating efforts is critical for compliance.

Timber Harvest Plans (THPs) – required prior to the commencement of non-exempt timber harvesting – are reviewed by CALFIRE under the California Forest Practice Act and Forest Practice Rules; referrals sent to other agencies, including the Department of Fish and Wildlife (CDFW) and the Regional Water Board (Water Board). THPs are both environmental documents and operational plans that provide information about where timber operations will occur. Once a THP has been submitted CDFW and the Water Board will review the application for impacts on sensitive habitat, such as those found in the BH and VOH zones. No THP has been submitted for the project site as of the date of application.

Parcels zoned Timberland Production enjoy a statutory legal presumption that timber operations, as defined in Public Resources Code sec. 4527 and including operations that would be carried out under a THP or other plan for timber harvest, “may reasonably be expected to and will occur on that parcel.” (Government Code § 51115.1.)

Please see Suitability for TP Zoning below for more information about compliance with state requirements.

LEGISLATIVE HISTORY—TIMBERLAND PRODUCTION DISTRICT AND ORDINANCE 6335

The Board of Supervisors created the Timberland Production District in 1976 in response to state legislation (the Forest Taxation Reform Act of 1976) that required the County to provide for zoning of land used for growing and harvesting timber as timberland preserve zone (“TPZ”). (See Ordinance 2119, Attachment D) The state legislation provided that a TPZ is a 10-year restriction on the use of land that was intended to replace the use of agricultural preserves (Williamson Act contracts) on timberland; land use under a TPZ would be restricted to growing and harvesting timber and to those compatible uses approved by the applicable county. In return, taxation of timberland under a TPZ is based only on such restrictions in use and a timber yield tax is imposed on any timber harvested from timberland under TPZ.

As adopted by the Board of Supervisors in 1976, the “compatible uses” designated in the County’s TP District included those uses listed as permitted and permitted with a use permit. For approximately 45 years following creation of the TP District in 1976, “permanently located and improved private and public campgrounds, resorts and organized camps” were designated as compatible uses in the TP District and allowed with a use permit. The provision conditionally permitting campgrounds and resorts was reflected in Chapter 26 (then in Article 14) when Wildwood submitted its application in 2020.

In February 2021, the Board adopted Ordinance 6335 to implement phases 1 and 2 of the Zoning Code Modernization project. Ordinance 6335 was described as amendments to “



and delete redundancies [in Chapter 26] and make limited additional text amendments to clarify existing policy and as necessary for conformity with state law.” The ordinance consolidated 26 articles in the then-existing Zoning Code into 15 new articles, and reformatted extensive lists of permitted, conditionally permitted, and prohibited land uses in each zoning district into a single land use table for each district that refers users to use- and district-specific standards in other articles of the code. Adoption of Ordinance 6335 transformed the most heavily used sections of the Zoning Code into a much more accessible and user-friendly document. Ordinance 6335 also made some limited substantive amendments to Chapter 26 to provide needed clarification of existing policies and to comply with state law. Substantive amendments to the Code were identified individually in staff reports and presentations to the Planning Commission and the Board of Supervisors, such as amendments to definitions and standards governing large family daycare and manufactured homes.

However, after Ordinance 6335 was adopted, staff became aware of a substantial number of substantive errors in Ordinance 6335 that were not intended by staff or the Board. In many cases the codification errors appear to be simple omissions where a definition or term was inadvertently dropped, probably due to the complexity of eliminating redundancies, reorganizing, and reducing hundreds of pages of regulations to tables.

One of the identified errors is to the long-standing provision of the regulations for the TP District that listed “permanently located and improved private and public campgrounds, resorts and organized camps” as compatible uses that were allowed in the TP District, subject to approval of a use permit. “Campground” and “organized camp” were correctly carried forward and are now listed as conditional uses in the TP District, but “resort” was omitted. This omission was an unintended error. Under Sonoma County’s zoning code, uses not specifically listed as permitted or conditionally permitted in any given district are not permitted in that district, and the unintentional omission of “resort” has created hardship for the applicant here. As noted above, staff is preparing a draft correction ordinance for Planning Commission and Board of Supervisors consideration that would correct identified errors.

PROJECT DESCRIPTION

The project requests a recommendation from the Planning Commission to the Board of Supervisors regarding approval of a Zone Change for the project site from Resources and Rural Development to Timberland Production in the future, should the Board adopt an ordinance to correct a codification error that deleted “resorts” as a compatible and conditionally permitted use in the TP District when the Board of Supervisors adopted Ordinance 6335 in February 2021. Additionally, the applicant is also seeking the cancellation of its current Williamson Act contract which shall be considered by the Board of Supervisors subsequent to consideration of the adoption of the ordinance to correct the codification error. Approval of the requested rezone to TP will allow the applicant to cancel its Williamson Act contract while continuing to manage the protected forestland on site.

Use Permit

The applicant has also requested a phased Use Permit to legalize the existing resort to operate year-round. The use permit application however cannot be granted unless the identified codification error is corrected (by ordinance) and the Board rezones the Wildwood property to TP and cancels the Williamson Act contract.

GENERAL PLAN CONSISTENCY

The General Plan designation of the subject parcels is RRD 160, the purpose of which is to “...*protect lands used for timber, geothermal, and mineral resource and for natural resource conservation.*” A stated policy of RRD is



"...intent to protect lands needed for commercial timber production under the California Timberland Productivity Act," and the Resource Conservation Element also states as an objective to "...identify and preserve areas with timber soils and commercial timber stands for timber production."

Applicable Policies:

2.7 Natural Resource Land Use Policy

The purpose of natural resource land use policy is to protect lands used for timber, geothermal and mineral resource production and for natural resource conservation.

The Resources and Rural Development category allows residences at very low densities due to lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production, and significant physical constraints and hazards. Proposed amendments to the Land Use Map in this category shall consider all of these factors. The intent is that natural resource areas be managed and conserved and that production activities avoid depletion and promote replenishment of renewable resources.

Policy for Resources and Rural Development Areas

Purposes and Definition. *This category allows very low density residential development and also is intended to:*

- (1) Protect timberlands needed for commercial timber production under the California Timberland Productivity Act,*
- (2) Protect lands needed for geothermal resource production,*
- (3) Protect lands for aggregate resource production as identified in the Aggregate Resources Management Plan,*
- (4) Protect natural resource lands including, but not limited to watershed, fish and wildlife habitat and biotic areas,*
- (5) Protect against intensive development of lands constrained by geologic hazards, steep slopes, poor soils or water, fire and flood prone areas, biotic and scenic areas, and other constraints,*
- (6) Accommodate agricultural production activities but limit such activities on timberland, or*
- (7) Protection of county residents from proliferation of growth in areas where there are inadequate public services and infrastructure, including water supply and safe wastewater disposal.*

Permitted Uses: *Single family dwellings, resource management and enhancement activities including but not limited to the management of timber, geothermal and aggregate resources, fish and wildlife habitat, and watershed. Livestock farming, crop production, firewood harvesting and public and private schools, hospitals, and places of religious worship are included. Lodging, campgrounds, and similar recreational and visitor serving uses provided that they shall not be inconsistent with the purpose and intent of this category. In addition to the permitted residential densities, existing campgrounds or recreational vehicle parks may be considered for long term residential occupancy of recreational vehicles when such parks have obtained appropriate State HCD permits.*



Staff Analysis

The existing Wildwood facility was in use as a resort for approximately 40 years. In that time Wildwood partnered with the Golden State Land Conservancy which now holds a conservation easement on the property. The existing easement, as well as the proposed zone change to Timberland Production zoning, will ensure that the site and its resources are protected in accordance with the Goals, Objectives, and Policies of the General Plan Land Use Element.

ZONING CONSISTENCY

The County’s compatible use ordinance, which enacted the local regulations for the Timberland Production District, provided that the purpose of the TP District is “to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. The compatible uses specified in this section will be included in this zone and are consistent with the Forest Taxation Reform Act of 1976.”

Suitability for TP Zoning

Sections 51100-51155 of the Government Code, known as the California Timberland Productivity Act of 1982 ("TPA"), establishes regulations and procedures for establishing and governing Timberland Production Zones, defined as areas “devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.” Compatible uses are defined as “any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.” (Government Code § 51104(g), (h).) Under the TPA, the Board of Supervisors is authorized to adopt an ordinance designating compatible uses for the TP zone in Sonoma County. The TPA provides the procedure for establishing Timberland Production Zones and ties it to the reduced assessment for property taxes that is provided under the Forest Taxation Reform Act of 1976. The TPA requires that an application for rezone to Timberland Production must include a plan for forest management that is prepared by a registered professional forester and that provides for eventual harvest of timber in a reasonable period of time. As part of the forest management plan (FMP), the professional forester must conclude that the site is suitable for production of timber and forest products, and therefore for timberland production zoning.

A Forest Management Plan was prepared for the project site by registered professional forester Matt Greene Forestry & Biological Consulting, dated April 2020. (Attachment E). The Forest Management Plan was provided to CAL FIRE’s Forest Practice Program Staff Chief for review on 6/22/22. CAL FIRE does not object to the proposed rezoning. (Attachment F)

Section 51113 of the Government Code sets forth the following criteria for an owner-initiated rezone to TP and provides that locally adopted criteria shall not impose any requirements in addition to those provided in Section 51113(c) and (d).

- (1) A map shall be prepared showing the legal description or the assessor’s parcel number of the property desired to be zoned.

Staff comment: Attachment G is an Assessor Parcel Map showing the assessor’s parcel numbers of the property desired to be zoned “TP”.



- (2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester (RPF). The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

Staff comment: The Attached Forest Management Plan prepared by RPF Matt Greene Forestry & Biological Consulting, dated April 2020, concludes that timber may be harvested in the future to support the following activities:

- *Cutting of firewood for domestic use.*
- *Moderate clearing of brush, trees and accumulated fuel on the periphery of the Abode Area.*
- *Thinning of trees and reduction of fuel loads in the forested areas of the property.*
- *Removal or treatment of diseased or unsafe trees.*
- *Removal of noxious weeds and plants.*
- *Cutting of down trees for lumber or for access purposes.*
- *Reforestation activities, including planting of trees, thinning, misc. harvest.*
- *Occasional harvest of trees for on-site construction purposes.*

Wildwood intends to continue vegetation management work per their request for Exception to Board of Forestry Standards (Attachment H) and may harvest timber for lumber for on-site construction purposes per the FMP described under the heading Non-Commercial Options. Wildwood will continue to engage in timber stand Improvement projects in the future such as the allowed activities of thinning to reduce fuel loads, maintaining access, and building defensible space around the "Abode Area."

- (3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement.

Staff comment: The attached FMP Letter prepared by Matt Greene dated March 28, 2022 (Attachment I) confirms that stocking standards are met and that the "300-point count" required by Public Resources Code Section 4561 is met by the existing forest inventory on the Wildwood property.

- (4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

Staff comment: Government Code § 51104(f) defines timberland as land that is "...devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." Per RPF Matt Greene's FMP Letter (Attachment I), "The property (APN's 106-230-007 & -008) is growing between 24 and 33 cubic feet of timber per acre annually based on growth measurements in the field. This exceeds the County's requirements of 15 cubic feet of annual growth per acre as defined by Section 51104 (f)."

- (5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

Staff comment: As discussed above (Legislative History—Timberland Production District), Sonoma County’s compatible use ordinance was adopted in 1976 and codified in Chapter 26 as the regulations for the TP District. As adopted, compatible uses were those uses identified as “permitted uses” and “uses permitted with a use permit.”

The project site meets the resource-related criteria for rezoning to Timberland Production outlined above, but due to codification error in Ordinance 6335, resorts are not currently a compatible use in Sonoma County’s TP District. The request before the Planning Commission is limited to a recommendation to the Board of Supervisors regarding future rezoning of the project site; staff recommends a recommendation that the Board of Supervisors approve rezoning the project site to TP at a future date, if the Board adopts an ordinance amending Chapter 26 to correct the codification error that eliminated resorts as a compatible and conditionally permitted use in the TP District. If the Board adopts such an ordinance in the future, the resort portion of the project site would once again be eligible for consideration as a compatible use.

Environmental Analysis

Pursuant to Government Code section 51119, rezoning to Timberland Production is statutorily exempt from otherwise applicable CEQA requirements to prepare an Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration. This statutory exemption is incorporated in the CEQA Guidelines at section 15264 (Cal. Code Regs., title 14, § 15264.)

NEIGHBORHOOD/PUBLIC COMMENTS

Staff has been in contact with neighbors within the vicinity of the project site. Neighborhood comments include concerns regarding traffic, unpermitted structures, Fire Safe Standards, septic system capacity, and water availability. The neighborhood comments are focused on operation of the resort and will be addressed when a public hearing is held to consider the use permit application.

RECOMMENDATIONS

Staff Recommendation

Staff recommends that the Planning Commission adopt a resolution that (1) concurs in staff’s determination that the project is statutorily exempt from the California Environmental Quality Act pursuant to Government Code section 51119 and CEQA Guidelines § 15264, and (2) recommends that the Board of Supervisors approve the request for zone change from RRD Resources and Rural Development to TP Timberland Production, after such time as the Board may adopt an ordinance correcting codification errors and reinstating resorts as a conditionally allowed use in the TP District.



ATTACHMENTS

- EXHIBIT A: Previous Zoning Code Section 26-14-020(e)
- EXHIBIT B: Wildwood Conservation Foundation Conservation Easement
- EXHIBIT C: Golden State Land Conservancy Letter of Support and 2019, 2020, and 2021 Annual Monitoring Reports
- EXHIBIT D: Ordinance 2119
- EXHIBIT E: Forest Management Plan
- EXGIBIT F: CAL FIRE’s Response to Referral of Forest Management Plan
- EXHIBIT G: Assessor’s Parcel Map
- EXHIBIT H: Exception to Board of Forestry Standards
- EXHIBIT I: Register Professional Forester Matt Greene’s Forest Management Plan Letter

