

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

Th19a



Prepared February 16, 2012 (for March 8, 2012 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Director
Nicholas B. Dreher, Coastal Planner

Subject: Sonoma County LCP Amendment Number SON-MAJ-1-09 (Ocean Cove Resort)

Summary

Sonoma County proposes to change the Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP, or zoning) designations affecting two split-designation parcels located at the Ocean Cove Resort at 23125 and 23150 Highway 1 in the unincorporated Jenner area of Sonoma County. The first parcel ("Parcel A") is 155.89 acres located east (inland) of Highway 1 (APN 109-050-010), and the second parcel ("Parcel B") is 19.91 acres located west (seaward) of Highway 1 (APN 109-050-012). Parcel A is designated both Village Commercial and Timber in the LUP, and Commercial Tourist (CT) and Timberland Production (TP), respectively, in the IP. Parcel B is designated both Village Commercial and Recreation in the LUP, and Rural Services (CS) and Resource and Rural Development (RRD), respectively, in the IP.

The proposed amendment would modify the existing LCP designations for the two parcels to better reflect existing and potential use and development at the affected properties. Specifically, the LCP designations for Parcels A and B would be modified to increase the area designated Village Commercial/Commercial Tourist by a total of just over one-half acre, with Parcel A increasing by approximately 0.34 acres and Parcel B increasing by approximately 0.10 acres in this designation. The Village Commercial/Commercial Tourist designation primarily serves to encourage a compatible blend of low-key rural recreation and visitor-serving commercial uses for both local residents and visitors. The County characterizes the proposed amendment as a technical correction that would revise the LUP and zoning designation lines to correspond to the existing approved uses and development at the Ocean Cove Resort, and to therefore better conform actual Ocean Cove Resort uses and development to the LCP. No additional development is contemplated at this time, and none was approved as part of the County's LCP amendment process. This amendment will primarily result in applying the Village Commercial/Commercial Tourist designation to more appropriate locations, including in relation to locations where potential development under this visitor-serving LCP designation is more appropriate and more likely to occur. The proposed amendment will not increase development potential, and is not expected to result in any additional potential coastal resource issues that cannot be resolved by existing LCP resource protection policies that will continue to apply to this area in any event (including related to priority uses, public views, public recreational access, and timber).

Staff recommends that the Commission **certify the proposed LCP amendment as submitted**. In such



case, the LCP amendment would be effective upon Commission action. The two motions necessary to effect this recommendation are found on page 3 below.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on February 16, 2012. The proposed amendment affects both the LUP and the IP, and the 90-day action deadline is May 16, 2012. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until May 16, 2012 to take a final action on this LCP amendment.

Staff Report Contents

	page
I. Staff Recommendation – Motions and Resolutions.....	2
II. Findings and Declarations	3
A. Description of Proposed LCP Amendment.....	4
1. Background.....	4
2. Sonoma County LCP Amendment Process	5
3. Proposed LCP Amendment.....	5
B. Consistency Analysis.....	6
1. Standard of Review.....	6
2. Parcel A Consistency Analysis.....	7
A. Land Use Priorities	7
B. Timber.....	10
C. Visual Resources.....	12
3. Parcel B Consistency Analysis	13
A. Land Use Priorities	13
B. Public Access and Recreation.....	15
C. Visual Resources.....	17
C. California Environmental Quality Act (CEQA)	18
III. Exhibits	
Exhibit 1: Regional Location Map	
Exhibit 2: Aerial and Oblique Site Photographs	
Exhibit 3: Proposed LCP Amendment	
Exhibit 4: Existing and Proposed LCP Land Use Plan Maps	
Exhibit 5: Existing and Proposed LCP Zoning Maps	
Exhibit 6: Relevant Forest Practice Act Provisions	

I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make two motions in order to act on this recommendation.



A. LUP Motion/Resolution – Approval of the Land Use Plan Amendment as Submitted
Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **certify** Major Amendment Number 1-09 to the Sonoma County Local Coastal Program Land Use Plan as submitted by Sonoma County. I recommend a **yes** vote.

Resolution to Certify the LUP Amendment as Submitted. The Commission hereby certifies Major Amendment Number 1-09 to the Sonoma County Local Coastal Program Land Use Plan as submitted by Sonoma County and adopts the findings set forth below on the grounds that the amendment conforms to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. IP Motion/Resolution – Approval of Implementation Plan Amendment as Submitted
Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **reject** Major Amendment Number 1-09 to the Sonoma County Local Coastal Program Implementation Plan as submitted by Sonoma County. I recommend a **no** vote.

Resolution to Certify the IP Amendment as Submitted. The Commission hereby certifies Major Amendment Number 1-09 to the Sonoma County Local Coastal Program Implementation Plan as submitted by Sonoma County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan amendment may have on the environment.

II. Findings and Declarations



The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

1. Background

Ocean Cove Resort is an oceanfront recreational campground facility in the unincorporated Jenner area of Sonoma County at Ocean Cove (see Exhibits 1 and 2). The Resort property spans both sides of Highway 1, and includes developed visitor-serving facilities as well as rolling grassland, pastureland and timberland areas. The property, owned by William McMaster, is located at 23125 and 23150 Highway 1, and is made up of Parcel A (155.89 acres, APN 109-050-010) and Parcel B (19.91 acres, APN 109-050-012). The two parcels are across Highway 1 from one another, to the east and west of the highway, which runs north to south (see Exhibit 2). Both parcels can be accessed directly from Highway 1. Heading northbound on Highway 1, the highway briefly takes a 90 degree ‘elbow turn’ to the west and then continues north approximately 500 feet after the elbow turn. The proposed LCP designation changes apply only to the area just east and west of Highway 1 at the elbow turn (see Exhibits 2, 3, 4 and 5). Currently, the properties in question contain recreational, commercial and timberland uses.

Parcel A is inland of Highway 1 and is designated both Village Commercial and Timber in the LUP, and Commercial Tourist (CT) and Timberland Production (TP), respectively, in the IP (see Exhibits 3, 4 and 5). Development on Parcel A includes five one-story rental cabin units, one caretaker dwelling and a small store (the Ocean Cove Grocery Store), all of which are located within the CT zoning district (see photos in Exhibit 2). The remainder of Parcel A is comprised of pastureland and timberland, within the TP district.

Parcel B is seaward of Highway 1 and is designated both Village Commercial and Recreation in the LUP, and Rural Services (CS) and Resource and Rural Development (RRD), respectively, in the IP (see Exhibits 3, 4 and 5). This parcel contains the Ocean Cove Grocery Store annex building directly across the highway from the Ocean Cove Grocery Store to the south, within the CS zoning district. This CS zone also includes 0.21 acres of a 0.31-acre parking lot that is located west of the annex building along Highway 1 and connects via driveway to the property owner’s single-family residence (see photos in Exhibit 2). The remaining 0.10-acre portion of the parking lot is within the Recreation/RRD designation. The driveway and residence are not within the CS zoning district, but rather they are located within the RRD district. The main recreational campground facility (Ocean Cove Campground) sits south-southwest of the annex building, within the RRD zoning district. The campground includes an entrance gatehouse, 114 campsites, paved and unpaved roads, restrooms and showers, storage buildings, day use area, fish cleaning station and a boat launch ramp (again, see photos in Exhibit 2).

The LUP designations for the land directly surrounding Parcels A and B are Institutional to the north, east and southwest, Recreation to the south and west and Village Commercial, Rural Residential and Agriculture to the west and northwest. The IP designations for the land directly surrounding Parcels A



and B are Public Facilities (PF) to the north and east, Commercial Tourist (CT) and Land Extensive Agricultural (LEA) to the west and Public Facilities (PF) and Resource and Rural Development (RRD) to the south (see Exhibit 5). Development within the surrounding area is comprised of a coastal campground, single-family homes, a few barns, a small commercial retail facility and seasonal rental properties.

2. Sonoma County LCP Amendment Process

On October 2, 2008, the Sonoma County Planning Commission first approved a General Plan Amendment for the now proposed LCP land use designation and zoning district changes (PLP08-0064). On November 4, 2008, the County Board of Supervisors approved the General Plan Amendment, which specifically described the now proposed LCP changes and incorporated by reference the Planning Commission's October 2, 2008 resolution, which included the subject zoning changes (Ordinance Number 5818). On February 5, 2009, the Planning Commission adopted these General Plan changes as LCP changes (Resolution Number 09-004). On March 17, 2009, the County Board of Supervisors exempted this LCP amendment from CEQA and approved the now proposed LCP changes (Resolution Number 09-0220/CPH09-0001). On March 27, 2009, the County submitted the proposed LCP amendment package to the Commission, and it was subsequently filed on February 16, 2012.

3. Proposed LCP Amendment

The proposed LCP amendment would change the LCP's LUP and IP designations for smaller than an acre portions of Parcels A and B. For Parcel A, the Village Commercial and Timber LUP designations would be roughly swapped for one another, resulting in a net increase of 0.34 acres of Village Commercial. The IP would also be changed to reflect the new LUP designations, swapping Commercial Tourist (CT) for Timberland Production (TP) and resulting in a net increase overall of 0.34 acres of CT.

For Parcel B, the 0.10 acres currently designated Recreation in the LUP designation would be changed to the Village Commercial LUP designation. The IP would change for the entire 0.31 acre area going from the CS and RRD zoning districts to the CT zoning district (see Exhibits 3 and 5). The table on the next page summarizes the proposed changes in relation to Parcels A and B.

On the east side of the Highway, the proposed amendment focuses on a 4.69-acre area of the larger 155.89-acre Parcel A that is currently developed with a single-family residence, the Ocean Cove Grocery Store and the five visitor-serving overnight cabins. This 4.69-acre area also contains some undeveloped grasslands and timberlands. The proposed amendment would essentially swap existing LUP designations (Village Commercial and Timber) and their respective zoning districts (Commercial Tourist and Timber Production). In sum, the existing area designated Village Commercial (CT) along the east side of Highway 1 south of the elbow turn would be moved to the north and east (see Exhibits 2, 3, 4 and 5).

On the west side of Highway 1, the proposed amendment focuses on a 0.31-acre area of the larger



19.91-acre Parcel B that is currently paved with a parking lot and developed with the existing Ocean Cove Grocery Store annex building. This 0.31-acre area currently sits on Recreation/RRD designated land (0.10 acres) and Village Commercial/CS designated land (0.21 acres). The amendment would designate the entire area (0.31 acres) as Village Commercial/CT.

Table: LCP Amendment Summary		
Parcels	Parcel A (155.89 acres)	Parcel B (19.91 acres)
Location	Inland of Highway 1	Seaward of Highway 1
Existing Uses and Development	The Ocean Cove General Store, caretaker/operator’s single-family residence, five (5) visitor-serving overnight cabin accommodations, unpaved roads and a barn.	Single-family residence, annex storage building, campground entrance gatehouse, 114 campsites, parking lot, paved and unpaved roads, restrooms and showers, storage buildings, day use area, fish cleaning station and a boat launch ramp.
Existing LUP Designations	Village Commercial (4.01 acres) Timber (151.88 acres)	Village Commercial (0.21 acres) Recreation (19.70 acres)
Proposed LUP Designations	Village Commercial (4.35 acres) Timber (151.54 acres)	Village Commercial (0.31 acres) Recreation (19.60 acres)
Existing IP Designations	Commercial Tourist (4.01 acres) Timber Production (151.88 acres)	Rural Services (0.21 acres) Resource and Rural Development (19.70 acres)
Proposed IP Designations	Commercial Tourist (4.35 acres) Timber Production (151.54 acres)	Commercial Tourist (0.31 acres) Resource and Rural Development (19.60 acres)

B. Consistency Analysis

1. Standard of Review

The proposed amendment affects the LUP and IP components of the Sonoma County LCP. The standard of review for the LUP amendments is that they must be consistent with and adequate to carry out the Coastal Act; the standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

The proposed amendment will affect land use designations and zoning districts located on and adjacent to timberlands, recreation land and a rural commercial center in a scenic coastal area. The Coastal Act, the standard of review for the proposed amendments to the LUP, requires that: visitor-serving commercial recreational facilities be given priority over private residential, general industrial and commercial development, but not over agriculture or coastal-dependent industry (Section 30222); oceanfront land suitable for recreational uses be protected 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 (Section 30221); new development be located in or near existing developed areas that are able to accommodate it and where it will not result in significant adverse effects, either individually or cumulatively, on coastal resources (Section 30250(a)); scenic and visual qualities be protected and, where feasible, enhanced, by siting and designing development, particularly along ocean and scenic coastal areas, to be visually compatible with the character of the surrounding area (Section 30251); timberlands be protected and that conversions of units of commercial size be limited to providing for necessary timber processing and related facilities (Section 30243); and Highway 1 in rural areas remain a scenic two-lane road (Section 30254). These specific Coastal Act policies are the standards for determining whether the proposed LUP amendment is consistent with the Coastal Act.

Similarly, the Sonoma County LUP, the standard of review for the proposed amendments to the Implementation Plan (IP), requires that: compatible, resource-related uses on designated resources be encouraged, wherein conflicts with resources are avoided, residential, civic and commercial uses are located in existing communities or commercial centers, and suggests some low-intensity visitor-serving uses may be appropriate on resource lands if they are compatible with resource use of the land (LUP Resource Policy 1); commercial development be provided only within designated urban service and rural community boundaries except where consistent with development recommendations in the visitor-serving facilities section (LUP Land Use Policy 12); limited overnight camping on private lands be encouraged (LUP Recreational Facilities Policy 3); low-cost accommodations, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, hostel and sleeping cabin facilities be encouraged, utilizing existing structures where feasible (LUP Recreational Facilities Policy 4); new commercial development be limited to areas within designated urban service and rural community boundaries except for the lowest intensity development (guest ranches and bed and breakfast accommodations) (LUP Visitor-Serving Facilities Policy 2); modest scale expansion of existing visitor-serving and commercial facilities outside of urban service and rural community boundaries be considered where other coastal requirements can be met (LUP Visitor-Serving Facilities Policy 3 and 4); development that obstructs views of the shoreline from coastal roads, vista points, recreation areas and beaches be prevented and development that significantly degrades scenic qualities of major views be prohibited (LUP Visual Resource Policies 1 and 2); and development be located and designed to fit the setting and be subordinate to the pre-existing character of the site (LUP Visual Resource Policy 9).

2. Parcel A Consistency Analysis

A. Land Use Priorities

The Coastal Act prioritizes visitor-serving commercial recreational facilities over private residential, general industrial and commercial development, but not over agriculture or coastal-dependent industry. Similarly, the LUP requires that commercial development be provided only within designated urban service and rural community boundaries except where consistent with development recommendations in the visitor-serving facilities section (Land Use Policy 12); encourages low-cost accommodations, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, hostel and sleeping cabin facilities, utilizing existing structures where feasible (Recreational Facilities Policy 4); limits new



commercial development to areas within designated urban service and rural community boundaries except for the lowest intensity development (guest ranches and bed and breakfast accommodations) (Visitor-serving Facilities Policy 2); and requires the consideration of modest scale expansion of existing visitor-serving and commercial facilities outside of urban service and rural community boundaries where other coastal requirements can be met (Visitor-serving Facilities Policy 3 and 4).

1. Consistency of Proposed LUPA on Parcel A with Coastal Act Priority Use Requirements

This proposed LUP amendment for Parcel A would change the LUP designation for an approximately 0.34 acre area east of the existing rental cabins on the east side of Highway 1 from Timber to Village Commercial and on the adjacent area to the south change a corresponding acreage from Village Commercial to Timber. The 155.89-acre parcel east of Highway 1 would retain its split land use designations, but the designations would change, affecting about an acre of the property total. The amendment would result in a 0.34-acre increase of Village Commercial. This extension of the Village Commercial designation results in relocating the potential for future Village Commercial-related commercial development northeast of Highway 1 away from the road, extending the existing area designated for such uses to the east by approximately 100 feet. The Village Commercial designation is intended to accommodate use and development directed toward the day-to-day shopping and service needs of local residents. The proposed Village Commercial designation shift concentrates such low-key rural shopping and service-based development potential in a developed area off of Highway 1, an area currently occupied by similar existing visitor-serving and commercial development. While certain uses under Village Commercial land use designation would be allowed closer to the timber that is east of the site to be redesignated, adjacent land south of the elbow turn will be modified to the more timber and agriculture focused Timber designation. Given that the immediate area surrounding this elbow turn of Highway 1 provides for the main shopping center for this rural area, the proposal to concentrate Village Commercial designated land within existing disturbed and/or partially developed areas makes more coastal resource sense than leaving the existing LUP designations that would identify the area along Highway 1 as appropriate for such potential development when this area is not developed in this way currently, and would not likely be appropriate for such development in the future.

Conversely, as indicated above, the Timber LUP land use designation would be applied to a small subset of the area currently designated for Village Commercial use along the east side of Highway 1 just south of the elbow turn. With respect to the Timber designation realignment, the existing LUP identifies Timberlands as lands consisting of timber resource lands whereupon residential and other land uses must relate to resource production. From a land use perspective, the proposed land use designation change makes more coastal resource sense than the current configuration because it clusters Village Commercial (and potential commercial development) near existing similar development, and keeps the land along Highway 1 in the Timber category, which is more restrictive in terms of development potential. The area proposed to be designated Timber along the Highway is open grassland and does not contain timber, but this is not unusual under the LUP, as the Timber designation is often applied as a more natural and open space designation, including for the land to the east and south of this particular area which is also open grassland and is also designated Timber. The open grassland area fronting



Highway 1 eventually meets actual timber growth approximately 400 feet east of the Highway.

In all cases the designations proposed do not mean that those uses and associated development could occur without further LCP review. On the contrary, all of the other resource protective policies of the LCP would continue to apply to any such use and development that might eventually be proposed. It appears appropriate to identify and change the designations as proposed to better reflect reality and to better cluster like uses (including, for commercial uses, in already developed and/or disturbed areas) as an LCP land use planning tool, but any future applications for actual use and development would still need to be consistent with the LCP otherwise (including in terms of the public viewshed, rural character, scenic corridors, timber protection, etc.), and these existing policies are adequate to address any potential coastal resource issues that may be presented in such applications (see also findings below).

Therefore, the proposed LUP amendment for Parcel A is appropriate under and consistent with the Coastal Act policies cited above in terms of land uses.

2. Consistency of Proposed IPA for Parcel A with LUP Priority Use Requirements

To carry out the LUP if amended as proposed and described above, the IP zoning districts (for Commercial Tourism and Timberland Production) would be redrawn to reflect their updated respective LUP land use designations for Parcel A. The proposed change would provide an additional 0.34 acres of Commercial Tourist (CT) district, in a manner that will accommodate day-to-day shopping and service uses for the local area and visitors. The purpose of the CT zoning district is to encourage a compatible blend of recreation and tourist-commercial uses in such a way as to perpetuate the County's coastal recreational resources. The CT district principally permits developments that provide overnight accommodations, retail shops, restaurants, art galleries, and visitor information centers. Other uses allowed within this district include single-family residences, care facilities, cultural events, beekeeping, business offices and public parks. This zoning district adequately and appropriately carries out the low-key rural shopping and service purpose of the Village Commercial LUP land use designation, in that it prioritizes local retail and visitor-serving uses. Certain countywide allowable uses under this zoning district might not be appropriate at this particular site (such as shooting ranges, 50-100 room hotels, taxi terminals, etc.), but these are lower priority conditional uses and it is not unusual for the list of permissible zoning district uses to be over-inclusive because such districts apply to a range of Village Commercial designations countywide, within some of which such uses may be appropriate. As conditional uses, such uses would also therefore be subject to the Commission's appeal jurisdiction.

The main purpose of the Timberland Production (TP) district is to provide for timber production, as well as the conservation and protection of land capable of producing timber and forest products and/or containing other natural resources. The TP district primarily allows land management, recreational, educational and water management uses tied to timber and other natural resources on site as principal uses. Other conditional uses allowed within this district include single-family residences, and, where not in conflict with agriculture or timber production, small care facilities, cultural events, kennels, beekeeping and some telecommunications facilities. This IP zoning district adequately and appropriately



carries out the purpose of the Timber LUP land use designation, which requires these lands consist of timber resource lands whereupon residential and other land uses must relate to resource production. A substantial portion of the 155.89-acre parcel (of which 4.35 acres are proposed to be zoned CT) consists of open grassland where the vast majority of the parcel consists of actual timber growth further inland. While commercial timber is not currently produced on site at this time, the management of these lands for timber and other resource values consistent with the district objectives is appropriate. All associated allowable uses are consistent not only with the LUP's Timber land use designation, but also with the surrounding area more broadly. As discussed above, conditional uses would be subject to the Commission's appeal jurisdiction.

Therefore, the proposed IP amendment for Parcel A is consistent with and adequate to carry out the LUP as amended, including the policies cited above, in terms of land uses.

B. Timber

Coastal Act Section 30243 requires that long-term productivity of timberlands be protected and that conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities. Similarly, the LUP encourages compatible, resource-related uses on designated resources (including Timber lands), wherein conflicts with resources are avoided, residential, civic and commercial uses are located in existing communities or commercial centers, and suggests some low-intensity visitor-serving uses may be appropriate on resource lands if they are compatible with resource use of the land (LUP Resource Policy 1).

1. Consistency of Proposed LUPA on Parcel A with Coastal Act Timber Requirements

In this case, the proposed amendment would decrease the amount of property designated Timber in the LUP by 0.34 acres east and north of existing visitor-serving commercial uses. The Timber LUP designation would replace the existing Village Commercial designation along the east side of the highway just south of the elbow turn. The total Timber designated land associated with Parcel A would be reduced from 151.88 acres to 151.54 acres. Currently, much of the existing Timber designated land east of Highway 1 is pasture land separating actual forested areas from the highway. The amendment would not affect tree or timber growth/forested areas. The 0.34-acre area to be converted to a Village Commercial designation was purposefully identified in such a way as to avoid inclusion of any actual forest or trees. However, this 0.34-acre expansion of the Village Commercial designation would potentially allow for some future commercial and visitor-serving uses to expand into this area, raising the question of whether such land use redesignation is appropriate because it would occur on an approximately 100-foot wide area currently serving as a grassland buffer of sorts (within existing Timber designated land) between the existing Village Commercial designation area and trees on the western extent of the forested area (see Exhibits 2, 3 and 4).

The main issue here under Section 30243 of the Coastal Act is whether or not the LUP designation changes associated with the 0.34 acres involve conversion of a 'unit of commercial size of coastal



commercial timberlands'. If so, the Coastal Act requires conversions of such lands to be limited to timber processing facilities and other related facilities. The Coastal Act does not provide a definition of "units of commercial size". Neither the Coastal Act nor the LCP address the "unit of commercial size" issue directly. The LCP explains that timber resources within the coastal zone located on 160-acre or larger parcels are intended to encourage timber management or sale to an owner wishing to manage the land for timber production. The LCP indicates that the creation and sale of smaller timber parcels, such as 40 and 80-acre parcels, are less viable for timber management and encourage greater residential conflicts. Although not determinative on this point, the LCP is obviously dealing in much larger units of land, many magnitudes larger, than the one-third of an acre in question here.

Given the lack of explicit definition in the Coastal Act and the LCP, Commission Staff consulted California Department of Forestry and Fire Protection (Cal Fire) staff in Sonoma County to seek guidance on the question of whether 0.34 acres constitutes a "unit of commercial size" in their opinion, as well as Cal Fire's opinions on the potential for "conversion" here, including whether a Cal Fire conversion permit would be necessary.¹ Although, Cal Fire would technically consider this a timberland conversion (pursuant to Forest Practice Act (FPA) Section 1100(g)(2), see Exhibit 6) because it would result in the rezoning of an area designated Timber Production to Commercial Tourist, the 0.34-acre area would not require a Cal Fire timberland conversion permit because it does not contain trees and does not contain any saplings.

In terms of the long term potential uses on this site, including whether or not the LUP designation change applicable to the 0.34 acres could impact the continued use of surrounding timberlands in the foreseeable or distant future, although it is possible that this 0.34-acre area could be used to grow timber or facilitate the commercial production of timber in the future, the proposed redesignation of the 0.34 acre area does not impermissibly convert timberlands in units of commercial size. No trees are located in the 0.34-acre area to be designated Village Commercial. Also, the proposed LUP designation conversion is sufficiently limited in size as to not serve to impair future commercial production of timber onsite. At one-third of an acre, the amount of timber potentially at stake even if the site were to be forested (it is not) is inconsequential in a commercial sense. Moreover, this site is situated partly in and near an existing visitor-serving development/area, and its proximity to Highway 1 and the rural center justifies its proposed Village Commercial designation. Finally, the remaining 151.55 acres of Timber designated land will continue to provide adequate area to facilitate and support potential timber production. Therefore, the proposed LUP amendment for Parcel A is consistent with Coastal Act Section 30243.

2. Consistency of Proposed IPA on Parcel A with LUP Timber Requirements

With respect to the proposed IP changes, under the Timberland Production (TP) IP zoning district, there

¹ Personal communication from Cal Fire forester Kim Sone to Commission coastal planner Nick Dreher, February 9, 2012.



is no minimum acreage of timberland requirement on property contiguous to and under the same ownership as an existing TP zone. Even if this property was not in contiguous ownership, the minimum parcel size for inclusion into the TP district is 80 acres. The 155.89-acre Parcel A currently provides 4.01 acres designated Commercial Tourism (CT) and 151.88 acres designated TP. Following the amendment, Parcel A will provide approximately 4.35 acres designated CT and approximately 151.54 acres designated TP. Accordingly, the timberland area onsite will be minimally impacted by this designation change. The amendment would result in 0.34 acres of the TP zoning district being changed to the CT zoning district. The proposed zoning district change is merely geographical in nature, to follow the changing land use designations. The respective districts will continue to allow the same range of principally permitted and conditional uses and will continue to adequately carry out the LUP designations. Therefore, the proposed IP amendment for Parcel A conforms with and adequately carries out the LUP in terms of timber resources.

C. Visual Resources

Coastal Act Section 30251 states in relevant part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. Similarly, the LUP indicates that development that obstructs views of the shoreline from coastal roads, vista points, recreation areas and beaches is prevented and development that significantly degrades scenic qualities of major views be prohibited (LUP Visual Resource Policies 1 and 2); and that development be located and designed to fit the setting and be subordinate to the pre-existing character of the site (LUP Visual Resource Policy 9).

1. Consistency of Proposed LUPA on Parcel A with Coastal Act Visual Resources Requirements

As mentioned above, Parcel A is located east of Highway 1 in a rural, largely undeveloped area (see Exhibits 2 and 3). The Ocean Cove Resort property is visible from the coast and is within an LCP Scenic Resource overlay area. The existing structures located within the area affected by the land use designation change (i.e., Ocean Cove Grocery Store, caretaker's residence and five rental cabin units) are all one-story and conform to current LCP requirements. Likewise, the existing barn, currently visible from Highway 1, conforms to current LCP requirements.

The change from the Village Commercial to the Timber LUP land use designation on the east side of Highway 1, as proposed in this amendment request, would not lead to impaired views in this scenic coastal area. As discussed above, the Village Commercial land use designation more appropriately prioritizes this 0.34-acre portion as an extension of the existing 4.01-acre northeastern portion of the rural center, including for potential future commercial and visitor-serving development. Even though the Village Commercial designation would allow consideration of the placement of additional commercial and visitor-serving development on the 0.34 acres, and it would expand the designated Village Commercial area from 4.01 acres to 4.35 acres, the subject 0.34 acres are situated close to the existing rural center so the designation change will not lead to the potential for projects that would result in degraded views of the area east of Highway 1.



The Village Commercial LUP designation is more appropriate for the subject 0.34 acres, given the surrounding character and potential future needs of this rural center. Additionally, placing the Timber land use designation along the east edge of Highway 1 as proposed is also more appropriate, as it modifies the designation of an area currently available for potential commercial development, which, if placed along the east side of the highway, could obstruct views of the coast redwoods and surrounding hills to the east. Therefore, the proposed LUP amendment for Parcel A is consistent with Coastal Act Section 30251.

2. Consistency of Proposed IPA on Parcel A with LUP Visual Resource Requirements

To account for this LUP designation change (essentially swapping the Timber and Village Commercial LUP land use designation areas), the implementing zoning districts must also change to adequately carry out the LUP. East of Highway 1 and visible from the scenic road, the Timber Production (TP) and Commercial Tourist (CT) IP zoning districts have the same maximum height limit of twenty-four feet (residential and commercial development). Since these zoning districts will be changing on a single, contiguous lot that contains existing developments, even future demolition of such structures and replacement with other allowable uses will not result in significant adverse impacts to views of the surrounding coastal areas, because the allowable uses (as discussed above) are consistent with this rural center nestled within vast expanses of rolling mountains and forests. The proposed 0.34-acre expansion of designated commercial land would be concentrated with other commercial uses east of Highway 1 and would be compatible with its surroundings. The subject change along the east side of Highway 1, from commercial to timber designations, is compatible with the natural, open character of the adjoining timberlands. Taken together, the proposed swap and resulting expansion of designated commercial land by 0.34 acres appropriately matches the character and setting of the area and adjusts the potential for development consistent with the nature of this rural center.

Any future re-development or new development on the property would have to conform to all LCP regulations, and would have to be compatible with the land uses in the surrounding neighborhood. The proposed zoning change allows for the same range of principally permitted and conditional uses as the uses that the proposed LUP redesignation would allow on this portion of land, and contains the standards described above to carry out the LUP. Therefore, the proposed IP amendment as submitted conforms with and adequately carries out the LUP in terms of visual resources.

3. Parcel B Consistency Analysis

A. Land Use Priorities

The Coastal Act prioritizes visitor-serving commercial recreational facilities over private residential, general industrial and commercial development, but not over agriculture or coastal-dependent industry. Similarly, the LUP requires that commercial development be provided only within designated urban service and rural community boundaries except where consistent with development recommendations in the visitor-serving facilities section (LUP Land Use Policy 12); encourages low-cost accommodations, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, hostel and sleeping



cabin facilities, utilizing existing structures where feasible (LUP Recreational Facilities Policy 4); limits new commercial development to areas within designated urban service and rural community boundaries except for the lowest intensity development (guest ranches and bed and breakfast accommodations) (LUP Visitor-Serving Facilities Policy 2); and requires the consideration of modest scale expansion of existing visitor-serving and commercial facilities outside of urban service and rural community boundaries where other coastal requirements can be met (LUP Visitor-serving Facilities Policy 3 and 4).

1. Consistency of Proposed LUPA on Parcel B with Coastal Act Priority Use Requirements

This proposed LUP amendment would change the LUP land use designation of an approximately 0.10 acre area west of Highway 1 at the existing Store Annex/Barn and parking area from Recreation to Village Commercial. The 19.91-acre oceanfront parcel west of Highway 1 would retain its existing split land use designations, between Recreation and Village Commercial, but the amount of each would change. The total effected area is 0.31 acres, which sits inside the Highway 1 elbow turn, is currently paved with a parking lot used by customers of the Ocean Cove Grocery Store across Highway 1 to the north, and is also developed with a Grocery Store annex building. The Village Commercial land use designation would be expanded by 0.10 acres resulting in a 0.10-acre decrease of Recreation designated land. The 0.10 acres of Recreation designated land, proposed to be converted to the Village Commercial LUP designation, comprises the parking lot. This change will have the effect of designating a total of 0.31 acres of land as Village Commercial in the northeast corner of this parcel between Highway 1 and the area designated Recreation. This corner area (i.e., the inside of the Highway 1 elbow turn) comprises the southern extent of the rural center and currently provides parking and General Store storage in an existing General Store annex building. The redesignation of 0.10 acres from a Recreation designation to a Village Commercial designation makes particular sense here because this is a disturbed/developed area in the middle of the rural center that could provide for some minimal expansion to meet the needs of residents and visitors. Therefore, the proposed LUP amendment for Parcel B is consistent with the Coastal Act policies cited above in terms of land uses.

2. Consistency of Proposed IPA on Parcel B with LUP Priority Use Requirements

To carry out the LUP if amended as proposed and described above, the proposed amendment would also change the implementing zoning district from the Rural Services (CS) and Resource and Rural Development (RRD) zoning districts to the Commercial Tourist (CT) district to carry out the purpose of the Village Commercial LUP land use designation. The existing 0.21 acres currently designated Village Commercial are located in the CS zoning district and the existing 0.10 acres currently designated Recreation are located in the RRD zoning district (as are the remaining 19.60 acres of Parcel B). This amendment thus changes both existing zoning districts for the 0.31 acres (CS and RRD) to CT.

The purpose of the CS district is to provide areas within the coastal zone which allow various retail business-related, service and professional activities within rural community and urban service boundaries as designated in the LCP. Compared to the proposed CT district, the CS district focuses on retail, food service and professional service businesses driven by local needs of the residents. While CT



allows for certain retail and food service opportunities, it focuses more on visitor-serving uses that accommodate those from outside the area as well. While the proposal would result in the CS district being changed to the CT district for this small area, this change will not impair the area's capacity to accommodate very similar principally permitted and allowable uses; uses that generally reflect an objective to accommodate visitors more so than local residents. This change reflects the existing commercial and visitor-serving uses (Ocean Cove General Store and overnight cabin accommodations) and would eliminate the priority currently placed on other types of professional services southwest of Highway 1 along the elbow turn and across from the main store. This 0.21-acre change in zoning priority makes sense in this location, particularly where the development potential is already constrained by Highway 1, the surrounding timberlands, and the generally rural setting. The change in implementation of the Village Commercial LUP land use designation from the CS district to the CT district serves to provide residents and visitors alike with basic retail, restaurant and overnight accommodations, and adequately carries out the Village Commercial land use designation.

In terms of the RRD district (also changing to CT), its objective is to provide protection of lands needed for commercial timber production, geothermal production, aggregate resources production; lands needed for protection of watershed, fish and wildlife habitat, biotic resources; and lands needed for agricultural production. With the conversion of 0.10 acres of land designated Recreation to Village Commercial, the IP zoning district for the newly designated Village Commercial land must be addressed. In this case, the CT zoning district is the appropriate implementing district for the 0.10 acres and it can adequately carry out the Village Commercial LUP land use designation. The CT district will ensure this land, located in the middle of the rural center, appropriately accommodates locals and visitors with adequate services, including retail and overnight accommodation needs.

As with the discussion for Parcel A above, the designations proposed do not mean that those uses and associated development could occur without further LCP review, and all of the other resource protective policies of the LCP would continue to apply to any such use and development that might eventually be proposed. Any future applications for actual use and development would still need to be consistent with the LCP otherwise (including in terms of the public viewshed, rural character, scenic corridors, timber protection, etc.), and these existing policies are adequate to address any potential coastal resource issues that may be presented in such applications (see also findings below).

The proposed change will provide an additional 0.31 acres of CT district, in a manner that will accommodate day-to-day shopping, service uses and accommodations for the local area and visitors consistent with the Village Commercial LUP land use designation. Therefore, the proposed IP amendment for Parcel B is consistent with and adequate to carry out the LUP as amended, including the policies cited above, in terms of land uses.

B. Public Access and Recreation

Coastal Act sections 30210 and 30211 require protection of the public's right to access the coast and the opportunity to use and enjoy the coast for recreation. Additionally, Coastal Act Section 30221 protects



oceanfront land suitable for recreational uses 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. Section 30222 protects the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation as a priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. Similarly, the LUP encourages limited overnight camping on private lands (Recreational Facilities Policy 3) and encourages low-cost accommodations, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, hostel and sleeping cabin facilities, utilizing existing structures where feasible (Recreational Facilities Policy 4).

1. Consistency of Proposed LUPA on Parcel B with Coastal Act Public Access and Recreation Requirements

The proposed amendment would result 0.10 acres of land designated Recreation on the 19.91-acre oceanfront Parcel B changing to a Village Commercial LUP designation, raising questions regarding ensuring adequacy of public recreational access opportunities. As discussed above, Parcel B (19.91 total acres) contains Recreation designated land (19.70 acres) and Village Commercial designated land (0.21 acres). The land designated Recreation contains the owner's residence, an entrance gatehouse, 114 campsites, paved and unpaved roads/parking lots, restrooms and showers, storage buildings, a day use area, fish cleaning station and a boat launch ramp. The land designated Village Commercial is occupied by a parking lot and contains an annex storage building to support the Ocean Cove General Store across Highway 1 to the north. The existing campground use is a conditional use under the Resource and Rural Development (RRD) zoning district. This campground provides commercial recreational activities consistent with Section 30221 and enhances public opportunities for coastal recreation consistent with Section 30222.

The public recreational access concern/question raised regarding the proposed amendment on Parcel B is that the loss of oceanfront Recreation designated land could potentially adversely impact the public's access to recreational opportunities that provide direct access to the public beach in the Ocean Cove area. In reality, the proposed amendment will result in a marginal 0.10-acre decrease in the amount of land designated Recreation at the northeastern-most portion of Parcel B, and will not result in a significant adverse impact on public access to, or recreation along, the coast. This 0.10-acre area is covered by a parking lot, and is far from the campground facilities as well as the beach. In this case, the use of the subject 0.10 acres for retail and visitor-serving services to the rural community and visitors rather than timber-related, agriculturally-related or recreational opportunities in this portion of this parcel, is supported by the rural center location of the 0.10 acres. The changes will not impair the land's continued operation as a visitor-serving recreation area and will not adversely impact the public's access to the coast. Therefore, the proposed LUP amendment for Parcel B is consistent with Coastal Act with respect to public recreational access.

2. Consistency of Proposed IPA on Parcel B with LUP Public Access and Recreation Requirements



The proposed Commercial Tourist zoning district appropriately implements the Village Commercial land use designation (see discussion above), which is both appropriate for this specific location and does not impair public access or recreational opportunities. Therefore, for these reasons and those discussed above, the proposed IP amendment as submitted conforms with and adequately carries out the LUP in terms of public recreational access.

C. Visual Resources

Coastal Act Section 30251 states in relevant part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. Similarly, the LUP requires that development that obstructs views of the shoreline from coastal roads, vista points, recreation areas and beaches be prevented and that development that significantly degrades scenic qualities of major views be prohibited (LUP Visual Resource Policies 1 and 2); and that development be located and designed to fit the setting and be subordinate to the pre-existing character of the site (LUP Visual Resource Policy 9)

The subject parcels are located in a rural, largely undeveloped area in the northern-most extent of Jenner (see Exhibits 1, 2 and 3). The Ocean Cove Resort property is visible from the coast and is within an LCP Scenic Resource overlay area.

1. Consistency of Proposed LUPA on Parcel B with Coastal Act Visual Resource Requirements

The conversion of 0.10 acres from the Recreation LUP designation to the Village Commercial LUP designation, and the corresponding IP zoning change (from Rural Services (CS) (0.21 acres) and Resource and Rural Development (RRD) (0.10 acres) to Commercial Tourist (CT) (proposed 0.31 acres)) will not adversely affect scenic resources in the area. As discussed above, the Village Commercial LUP designation appropriately prioritizes this 0.31-acre area as a rural center set aside for commercial and visitor-serving development. The subject 0.10 acres are situated in an area where commercial and visitor-serving development is appropriate. The nature of the development would be different; the Recreation LUP designation allows animal raising, timber production facilitation and recreational facilities, whereas the Village Commercial LUP designation would allow for commercial and visitor-serving development on the 0.31 acres (which is 0.10 acres more than the current 0.21 acres designated Village Commercial). However, the latter designation is appropriate for the proposed location, given the surrounding character and potential needs of this rural center. Therefore, the proposed LUP amendment for Parcel B is consistent with Coastal Act Section 30251.

2. Consistency of Proposed IPA on Parcel B with LUP Visual Resource Requirements

To carry out the LUP if amended as proposed and described above, the proposed amendment includes applying the CT zoning district over the 0.31 acres in question. As discussed above, the CS and CT zoning districts are substantially similar. The CT district focuses on visitor-serving development, but still strikes the site-appropriate balance between local and visitor services and businesses. The CT



district would take the place of the existing CS district (on 0.21 acres) and the existing RRD district (on 0.10 acres). West of Highway 1, the CS, RRD and CT districts all have the same maximum height limits of sixteen feet (residential development) and twenty-four feet (commercial development). Accordingly, there is no potential for taller development with the change from CS and RRD to the CT district. All existing LCP siting and design standards would continue to apply.

The proposed zoning district change allows for the same range of principally permitted and conditional uses as the LUP designation that would apply to this portion of land. Therefore, the proposed IP amendment for Parcel B as submitted conforms with and adequately carries out the LUP as amended with respect to visual resources.

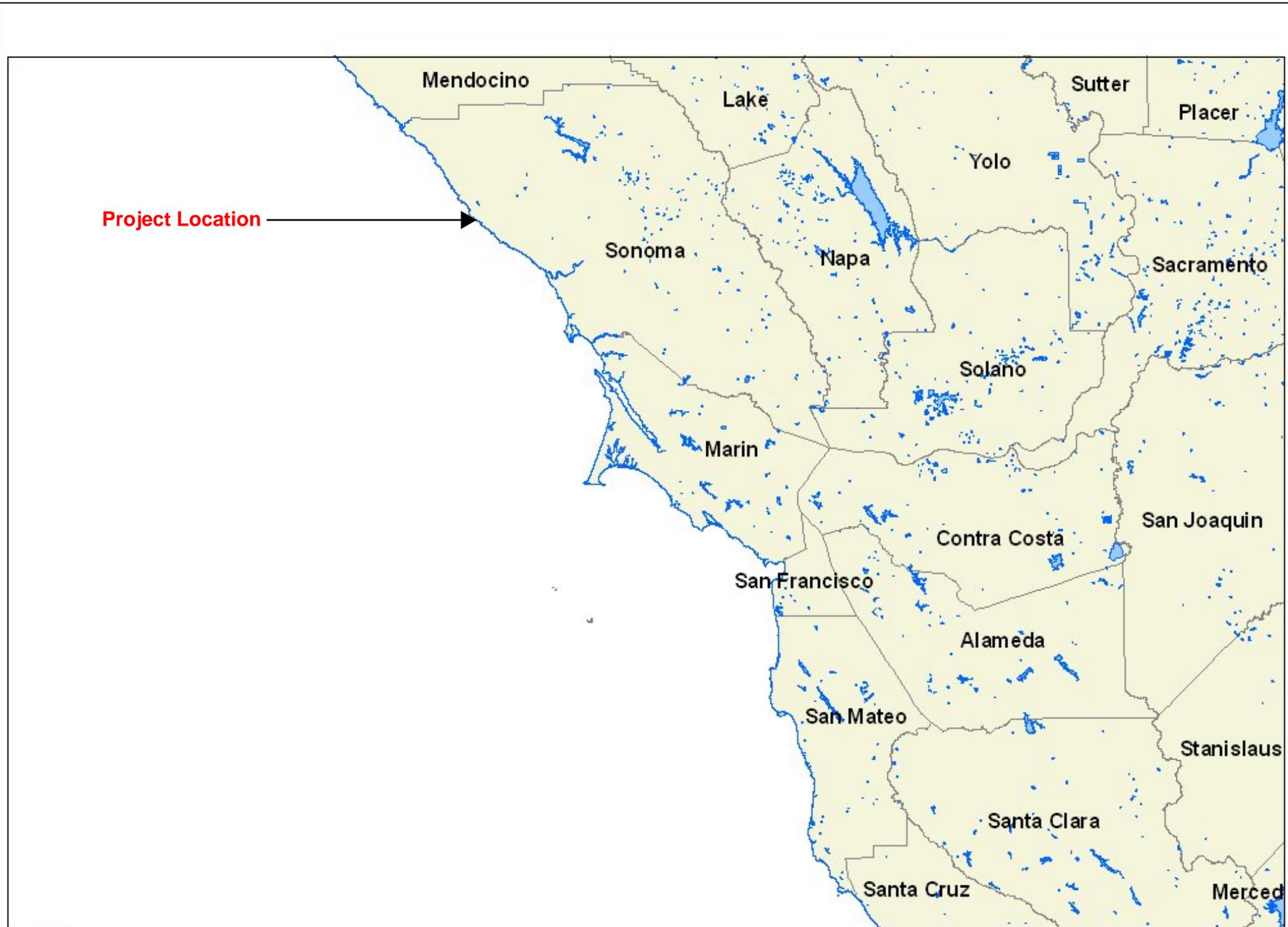
C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA, pursuant to CEQA Section 15301 relating to existing facilities. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act and LUP consistency findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





Project Location



Locations approximate.
For illustrative purposes only.





"Parcel A"
109-050-10
155.89 acres

General Store

Cabins

SFD

SFD

Annex Building

Barn

Campsites

"Parcel B"
109-050-12
19.91 acres





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 Existing Landuse and Zoning

East - Village Commercial (CT) - 4.01 acres
 - Timber (TP) - 151.88 acres
 West - Village Commercial (CT) - 0.21 acres
 - Recreation (RRD) - 19.70 acres

 Proposed Landuse and Zoning

East - Village Commercial (CT) - 4.35 acres
 - Timber (TP) - 151.54 acres
 West - Village Commercial (CT) - 0.31 acres
 - Recreation (RRD) - 19.60 acres





Existing Landuse and Zoning

East - Village Commercial (CT) - 4.01 acres
 - Timber (TP) - 151.88 acres
 West - Village Commercial (CT) - 0.21 acres
 - Recreation (RRD) - 19.70 acres

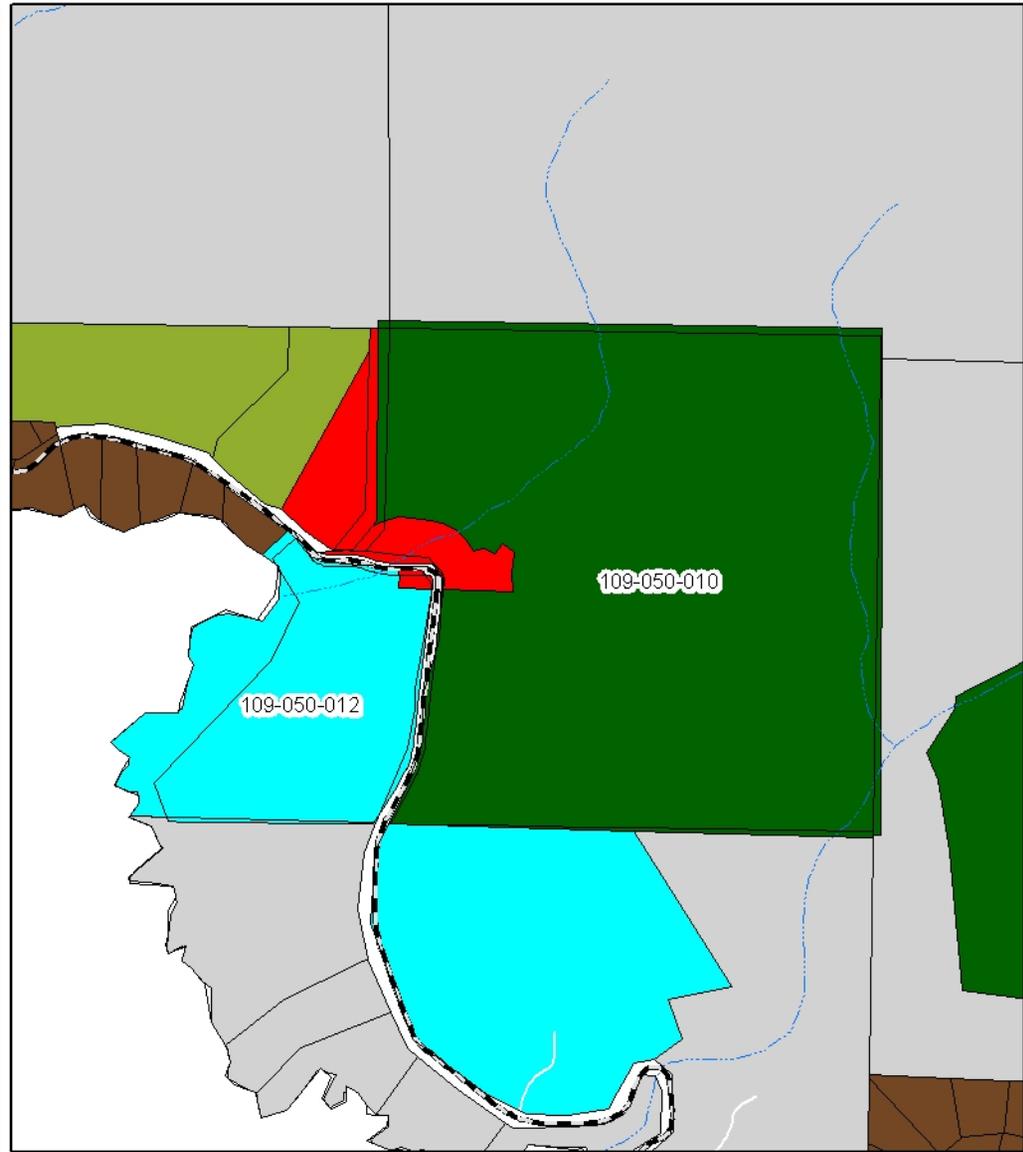
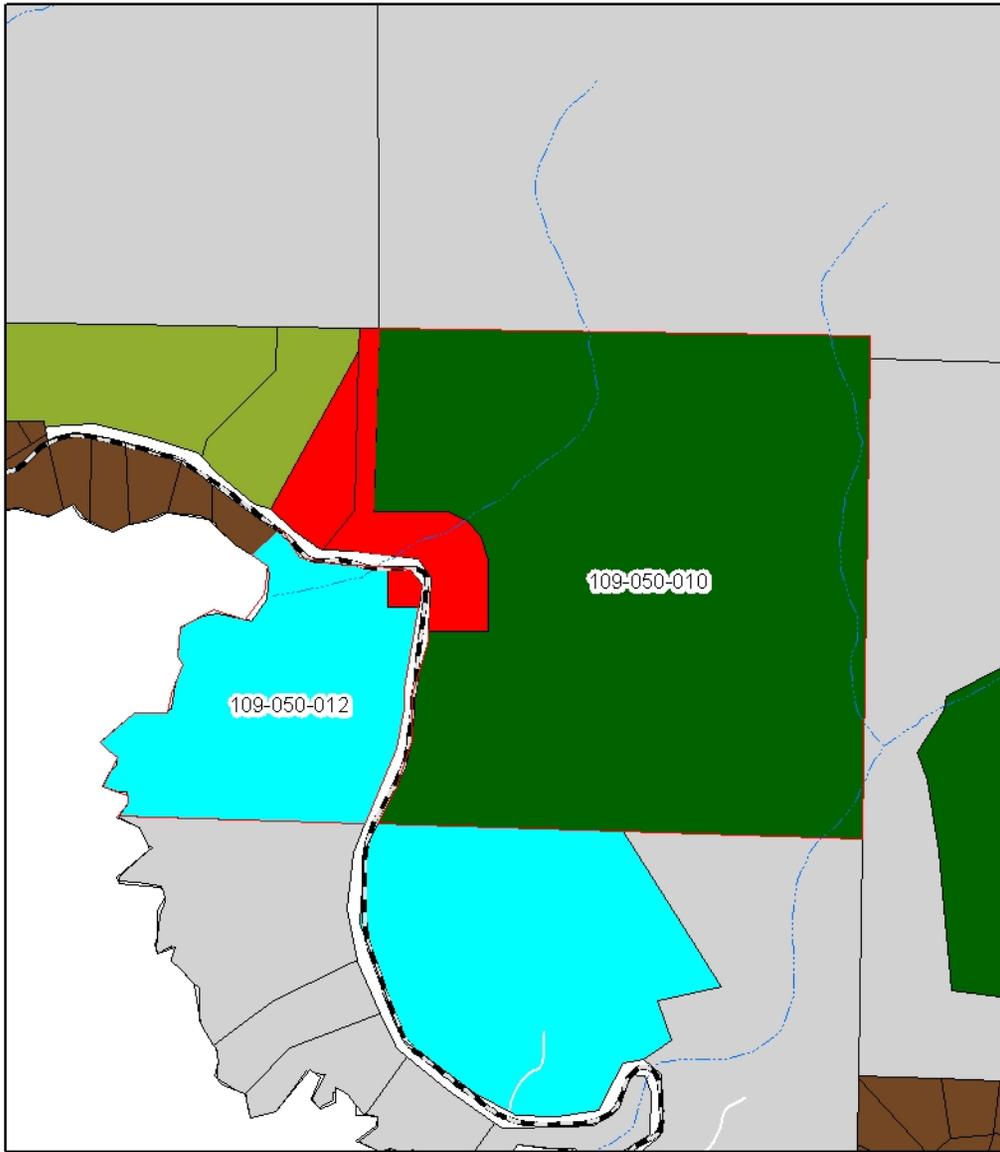
Proposed Landuse and Zoning

East - Village Commercial (CT) - 4.35 acres
 - Timber (TP) - 151.54 acres
 West - Village Commercial (CT) - 0.31 acres
 - Recreation (RRD) - 19.60 acres



Existing Local Coastal Plan Land Use

Proposed Local Coastal Plan Land Use

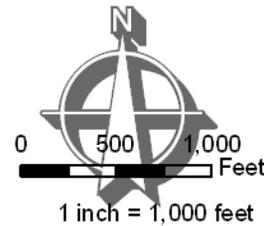


Coastal Zone Land Use

- Institutional
- Planned Community
- Medium Density Residential
- Low Density Residential
- Rural Residential
- Sensitive and Hazardous
- Timber
- Agriculture
- Dedicated Open Space
- Recreation
- Village Commercial
- Commercial Center
- Visitor Serving Commercial
- Fishing Commercial

Base Map Layers

- Assessor Parcels
- Street
- Highways
- Intermittent Stream
- Perennial Stream
- Coastal Commission Boundary
- Proposed Recreation Mask



CPH 09-0001

A. P. Nos. 109-050-010, 012

County of Sonoma

Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1965 Fax (707) 565-1103



Exhibit 4

Exhibit 5. Relevant Forest Practice Act Provisions:

4526. Timberland. "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

4527. Timber operations.

(a) (1) "Timber operations" means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities conducted after January 1, 1988, but excluding preparatory work such as treemarking, surveying, or roadflagging.

(2) "Commercial purposes" includes (A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

Forest Practice Rules

895.1 Commercial species (For the Northern Forest District:) means those species found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past.

Group A:

- Sugar Pine (*Pinus lambertiana*)
- Coast Redwood (*Sequoia sempervirens*)
- Ponderosa Pine (*Pinus ponderosa*)
- Jeffrey Pine (*Pinus jeffreyi*)
- Western White Pine (*Pinus monticola*)
- Lodgepole Pine (*Pinus contorta*)
- White Fir (*Abies concolor*)
- California Red Fir (*Abies magnifica*)
- Noble Fir (*Abies procera*)
- Douglas Fir (*Pseudotsuga menziesii*)
- Incense-Cedar (*Libocedrus decurrens*)
- Port Orford Cedar (*Chamaecyparis*

lawsoniana)

Group B:

- Knobcone Pine (*Pinus attenuata*)
- Sierra Redwood (*Sequoiadendron*
- giganteum*)
- [Gray] Pine (*Pinus sabiniana*)
- Golden Chinkapin (*Castanopsis*
- chrysophylla*)
- California Black Oak (*Quercus kelloggii*)
- Foftail Pine (*Pinus balfouriana*)
- Oregon White Oak (*Quercus garryana*)
- White Alder (*Alnus rhombifolia*)
- Tanoak (*Lithocarpus densiflorus*)
- Monterey Pine (*Pinus radiata*)
- Mountain Hemlock (*Tsuga mertensiana*)
- Pacific Madrone (*Arbutus menziesii*)
- Brewer Spruce (*Picea breweriana*)
- California Laurel (*Umbellularia*
- californica*)
- Englemann Spruce (*Picea englemanii*)
- Western Juniper (*Juniperus occidentalis*)

1100 (g) "Timberland Conversion":

(1) Within non-Timberland Production Zone (TPZ) timberland, transforming timberland to a nontimber growing use through timber operations where:

(A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon; or

(B) Stocking requirements of the applicable district forest practice rules will not be met within five years after completion of timber operations; or

(C) There is a clear intent to divide timberland into ownerships of less than three acres (1.214 ha).

(2) Within TPZ lands, the immediate rezoning of TPZ lands, whether timber operations are involved or not except as exempt from a timberland conversion permit under 14 CCR 1104.1.