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# W10a

**Prepared February 15, 2019 for March 6, 2019 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Jeannine Manna, District Manager  
Sophia Kirschenman, Coastal Planner  
**Subject:** **Sonoma County Local Coastal Program (LCP) Amendment Number LCP-2-SON-18-0087-1 (Currans/Mann Redesignation)**

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## SUMMARY OF STAFF RECOMMENDATION

Sonoma County is proposing to amend the Implementation Plan (IP) portion of its Local Coastal Program (LCP) to remove split zoning from two adjacent parcels located at 14500 Meyers Grade Road (APNs 109-170-034 and 109-170-035) and 15600 Highway 1 (APNs 109-170-032, 109-170-033, and 109-170-036) in Jenner, stated in the resolutions as owned by “the Currans” and Robert Mann, respectively. The County proposes rezoning 0.7 acres of land (APN 109-170-035) on the Currans’ property from Timber Production (TP) to Resources and Rural Development (RRD), effectively establishing RRD zoning for the Currans’ entire property. The County also proposes rezoning 0.7 acres of land (APNs 109-170-032 and 109-170-033) on Mr. Mann’s property from RRD to TP, effectively establishing TP zoning for Mr. Mann’s entire property. This would remove split zoning for each of the properties and allow the County to restore each property to a single APN. Overall, the County’s action will result in 0.7 acres of land being removed from the TP district, 0.7 acres of land being removed from the RRD district, and an equal amount of land being placed into each of these districts. Additionally, this will result in a small amount of land being phased out of the County’s Timber Preserve Zone (TPZ) tax assessment program and an equal amount of land being placed into the program.

The proposed zoning amendment is consistent with the policies of the LCP’s Land Use Plan (LUP), as the land use for both properties is Timber. Both the TP and RRD zoning districts implement and are consistent with the Timber Land Use category, which was established to protect and prioritize timber resource lands, and maintain small parcels within timber resource areas. The zoning change will not alter the minimum parcel size required to create new parcels, the maximum residential density, or the maximum number of residential units allowed per

parcel, and will not result in any additional development potential on either of the properties. The proposed amendment will also ensure the continued protection of Sonoma County's productive timber resource base, identified as one of the priorities of the LUP. In essence, the proposed amendment would result in a one-for-one exchange of the same amount of land possessing a TP base zoning district and land possessing a RRD base zoning district. Thus, there would be no net change in allowable uses and no adverse or increased impacts on coastal resources relating to the intensity of these uses.

In conclusion, staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the amendment as submitted. The required motions and resolutions are on page 4.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on February 14, 2019. The proposed amendment affects the LCP Implementation Plan, and the 60-day action deadline is April 15, 2019. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 15, 2019 to take a final action on this LCP amendment.

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### **EXHIBITS**

[Exhibit 1: Sonoma County LCPA Submittal](#)

[Exhibit 2: Vicinity Map](#)

[Exhibit 3: Site Maps](#)

[Exhibit 4: Lot Line Adjustment File #LLA16-0023](#)

[Exhibit 5: Lot Line Adjustment LLA16-0023 Maps](#)

[Exhibit 5: Commission-certified Sonoma County LCP Land Use Maps \(2001\)](#)

[Exhibit 6: Historical Zoning Maps \(1982\)](#)

## I. MOTION AND RESOLUTION

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

### B. Certify the IP Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP 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 Commissioners present.

***Motion:** I move that the Commission **reject** Implementation Plan Amendment Number LCP-2-SON-18-0087-1 as submitted by Sonoma County, and I recommend a no vote.*

***Resolution:** The Commission hereby certifies Implementation Plan Amendment Number LCP-2-SON-18-0087-1 as submitted by Sonoma County and adopts the findings set forth below that the Implementation Plan 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 that would substantially lessen any significant adverse impacts which the Implementation Plan amendment may have on the environment.*

## II. FINDINGS AND DECLARATIONS

### A. PROJECT BACKGROUND

The subject properties are located at 14500 Meyers Grade Road and 15600 Highway 1 in Jenner, Sonoma County, roughly halfway between the mouth of the Russian River and Fort Ross, in the coastal zone (see [Exhibits 2 and 3](#) for project locations). While processing Permit and Resource Management Department (PRMD) File No. ZCE18-0011, a permit application by Robert Mann requesting that the County permit entry of APNs 109-170-032 and 109-170-033 into the Timber Preserve Zone (TPZ) assessment program, County permitting staff discovered zoning discrepancies affecting the Currans' and Mr. Mann's properties that resulted from transcribing zoning maps during the County's 1991 and 1993 zoning map updates.

Specifically, during the 1991 and 1993 zoning map updates, the Currans' property was incorrectly rezoned from Agricultural Production to Timber Production (TP). Mr. Mann's property, however, remained correctly zoned TP. Then, in 2016, believing that the zoning maps depicted accurate TP zoning for both properties, Sonoma permitting staff approved a lot line adjustment between the two properties (see [Exhibit 4](#)). This lot line adjustment (File No. LLA16-0023) resulted in an exchange of 0.7 acres of land between the Currans and Mr. Mann. As a result, the Currans' property was split into three APNs (from 109-170-010 to 109-170-032, 109-170-033 and 109-170-034) and APNs 109-170-032 and 109-170-033 were transferred to Mr. Mann. Mr. Mann's property was split into two APNs (from 109-170-023 to 109-170-035 and

109-170-036) and APN 109-170-035 was transferred to the Currans. Since the Currans' property was incorrectly zoned, this action resulted in split zoning for both the Currans' property and Mr. Mann's property. See [Exhibit 5](#) for an illustration of how the parcels were impacted by this LLA. According to the County, the Currans' original property (prior to the 2016 lot line adjustment), formerly identified as APN 109-170-010 and currently identified as APNs 109-170-032, 109-170-033, and 109-170-034, should have been rezoned to RRD during these 1991 and 1993 zoning map updates as the property is located in a water scarce area, the parcel is less than 10 acres in size, and the parcel is likely too small to support an economically viable agricultural enterprise.

In effect, correcting this original zoning error reveals split zoning for both the Currans' and Robert Mann's properties (see charts below).

***The Currans' property (14500 Meyers Grade Road)***

APNs	Correct Zoning	Proposed Zoning	Size (acres)
109-170-034	RRD <sup>1</sup>	RRD (no change)	8.33
109-170-035	TP	RRD	0.7

***Mr. Mann's property (15600 Highway 1)***

APNs	Correct Zoning	Proposed Zoning	Size (acres)
109-170-032 & 109-170-033	RRD <sup>2</sup>	TP	0.7
109-170-036	TP	TP (no change)	386.28

Based on this history, the County proposes re-designating the parcels on the Currans' property (APNs 109-170-034 and 109-170-035) from Timberland Production (TP) to Resource & Rural Development (RRD). The County states that APN 109-170-034 is incorrectly zoned TP at present and despite the zoning, is not part of the County's Timber Preserve Zone (TPZ) assessment program. The County also states APN 109-170-035 is correctly zoned for TP and is currently part of the TPZ assessment program but that the proposed amendment resulting in a rezone of this property to RRD would require that APN 109-170-035 be phased out of the TPZ program.

For Mr. Mann's property (APNs 109-170-032, 109-170-033, and 109-170-036), the County states that APNs 109-170-032 and 109-170-033 are incorrectly zoned TP and despite the zoning, are not part of the TPZ program (even though the rest of Mr. Mann's property (APN 109-170-036) is part of the TPZ program). The County proposes rectifying the zoning errors by first changing the base zoning on APNs 109-170-032 and 109-170-033 from TP to RRD.

<sup>1</sup> APN 109-170-034 was incorrectly rezoned as TP during the 1991 and 1993 zoning map updates. Through this amendment, the County first proposes to correct the zoning for this parcel changing it from TP to RRD, and then rezoning the remaining parcel (APN 109-170-035) to fix the split zoning.

<sup>2</sup> APN 109-170-032 and APN 109-170-033 were incorrectly rezoned as TP during the 1991 and 1993 zoning map updates. Through this amendment, the County first proposes to correct the zoning on these two parcels changing it from TP to RRD, and then again rezoning the two parcels back to TP to fix the split zoning.

Once this original error has been corrected, the County proposes officially rezoning these parcels as TP, thereby permitting the parcels entry into the TPZ program (see [Exhibit 1](#) for the Resolutions). In effect, these adjustments will establish RRD zoning for the Currans' entire property and TP zoning for Mr. Mann's entire property. Additionally, this will result in a small amount of land being phased out of the TPZ program and an equal amount of land being placed into the program.

## **B. DESCRIPTION OF PROPOSED LCP AMENDMENT**

The proposed amendment would establish RRD zoning for the Currans' entire property (14500 Meyers Grade Road in Jenner) by correcting the zoning error for APN 109-170-034 and rezoning APN 109-170-035 from TP to RRD; and would establish TP zoning for Mr. Mann's entire property (15600 Highway 1 in Jenner) by first correcting the original zoning error for parcels 109-170-032 and 109-170-033, and then effectively rezoning the parcels from RRD to TP. This would remove split zoning for each of the properties and allow the County to restore each property to a single APN.

## **C. CONSISTENCY ANALYSIS**

### **Standard of Review**

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

### **Applicable LUP Policies**

The LUP prioritizes agriculture on prime agricultural lands and timber production on timberlands, encouraging the protection of Sonoma's productive resource base and emphasizing the maintenance of adequately sized parcels for these uses. Compatible uses in agricultural or timber areas are also defined. Applicable LUP policies include:

*LUP page 182: **Land Use Categories: Timber.** Timber resource lands, including small parcels within timber resource areas. Residential and other land uses must relate to resource production.*

*LUP page 39: 30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of non-commercial size shall be limited to providing for necessary timber processing and related facilities.*

*LCP page 43: ...To preserve timber and agricultural lands, the most desirable zoning districts are the Timber Production (TP), Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), Diverse Agriculture (DA) and Resource & Rural Development (RRD) districts.*

*LCP page 46: State law requires that where land is shown as agriculture on a land use plan, the zoning must reflect and implement this designation. Therefore, placing land designated for preservation in the coastal plan in an agricultural preserve does not impose any*

*significant additional restrictions on the land (the same applies to land designated “timber” and zoned to protect the timber resource).*

Table IV-4 (Recommended Zoning Districts) on page 45 of the LUP describes the primary purpose of the Resources and Rural Development (RRD) district and Timber Preserve Zone (TP) district as follows:

*Timber Preserve Zone (TP): To implement the Forest Taxation Act of 1976.*

*Resources and Rural Development (RRD): To protect, preserve, and enhance natural resources, including timberlands, unique landforms and environmentally sensitive areas.*

Additionally, Table IV-4 describes the minimum parcel size required for inclusion in the specified zoning district, minimum parcel size required to create new parcels, maximum allowable residential density, and maximum number of residential units allowed per parcel, in both the RRD and TP districts as follows:

*TP Minimum Parcel Size for Inclusion in District: Timber parcels  $\pm$  40 ac. with Timber Site I-II soils; 80 ac. with III-IV soils; where landowner desires to be in Timber Preserve.*

*TP Minimum Parcel Size to Create New Parcels: 640 acres*

*TP Maximum Residential Density: 160 acres*

*TP Maximum Number of Residential Units per Parcel: 4*

*RRD Minimum Parcel Size for Inclusion in District: No minimum. Parcels designated “Sensitive and Hazardous” or “Recreation-Scenic Design” on the Bodega Bay Land Use Map; and outside of urban service boundaries, timber parcels, and agricultural parcels lying entirely within a “Conservation” or “Sanctuary-Preservation” designation on Open Space maps.*

*RRD Minimum Parcel Size to Create New Parcels: 640 acres*

*RRD Maximum Residential Density: 160 acres*

*RRD Maximum Number of Residential Units per Parcel: 4*

Applicable Timber Preserves provisions include the following:

*LUP page 47: Recognizing the need for tax incentives to promote long-term management for maximum timber production, the State legislature, through AB 1258, changed the tax on standing timber from an ad valorem tax to a yield tax imposed at the time of harvest. Counties were directed to place timberland in a Timber Production zone which is in effect for ten years and renewed annually. The land is assessed at its value for growing timber.*

*LUP page 47: Rezoning timberland parcels to TP establishes ten-year use restrictions and the requirement of a forest management plan which should provide for timber harvesting within a reasonable period of time and set timber restocking standards. Sonoma County's implementing ordinance allows parcels of 40 acres or more of site I and II soils to be zoned TP, and 80 acres or more of Site III and IV soils to be zoned TP...*

*LUP page 47: Sonoma County's TP Ordinance sets a minimum residential density of one dwelling per 160 acres (with a maximum of four houses per parcel where allowed by the 160 acre density). This number is set by the State law on Timber Preserve zones. Parcels this size are intended to encourage timber management or sale to an owner wishing to manage the land for timber production...*

Generally, uses compatible with the primary purpose of the Timber Land Use designation include the following:

*LUP page 48: Residential Uses. A single residential dwelling on a vacant, legal lot (and accessory structures or uses incidental and appurtenant to a single-family dwelling) provided it is: east of Highway 1; not within view of any designated scenic road; not located in or affecting any designated sensitive or hazardous area; not a designated historic site or area; and which meets county zoning, erosion control and grading standards.*

*LUP page 49: Lot line adjustments not resulting in an increase in the number of lots or in allowable residential densities.*

## **IP Amendment Consistency Analysis**

### ***14500 Meyers Grade Road, Jenner***

The proposed rezone for the Currans' property at 14500 Meyers Grade Road would correct the original zoning error on one of the parcels and change the base zoning district on the other parcel from Timberland Production (TP) to Resources and Rural Development (RRD), as discussed above. More specifically, the proposed amendment would change the coastal zone portion of APNs 109-170-035 and 109-170-034 from TP (Timberland Production), CC (Coastal Zone), B6 160/640-acre density/acres minimum, RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources) to RRD (Resources and Rural Development), CC (Coastal Zone), B6 (160/640-acre density/acres minimum, RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources).

The proposed zoning amendment is consistent with the LUP's policies as both the TP and RRD zoning designations implement the Timber Land Use which is the underlying land use for the Currans' property. Per the aforementioned LUP policies, the Timber Land Use category was established to protect and prioritize timber harvesting, and maintain small parcels within timber resource areas. The Currans' property is a small parcel within a timber resource area, as it is only 9.03 acres and is entirely surrounded by lands zoned for timber production. Additionally, the Currans' property contains a single-family residential dwelling, identified as a compatible use with the primary purpose of the Timber Land Use designation. Rezoning the Currans' property from TP to RRD will establish consistent zoning across the property and will not change the minimum parcel size required to create new parcels, the maximum residential density or the



maximum number of residential units allowed per parcel for the property. Additionally, the LUP specifies that the minimum parcel size for inclusion in the TP district is at least 40 acres. Therefore, since the Currans' entire property is 9.03 acres, the current TP base zoning is inconsistent with the policies of the LCP as it is partially zoned for TP and does not meet the 40-acre criteria. Changing the base zoning district on parcels 109-170-034 and 109-170-035 will establish a more appropriate and consistent RRD designation for the Currans' entire property, thereby removing split zoning and bringing the property into conformance with the LUP's Timber Land Use policies.

### ***15600 Highway 1, Jenner***

The proposed rezone impacting Mr. Mann's property at 15600 Highway 1 would change the base zoning district on two of the property's three APNs from Resources and Rural Development (RRD) to Timberland Production (TP), as discussed above. More specifically, the proposed amendment would first correct the original zoning error and then change the coastal zone portion of APNs 109-170-032 and 109-170-033 from RRD (Resources and Rural Development), CC (Coastal Zone), B6 160/640-acre density/acres minimum, RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources) to TP (Timberland Production), CC (Coastal Zone), B6 (160/640-acre density/acres minimum), RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources). Once again, the proposed zoning amendment is consistent with the LUP's policies regarding requirements for lands designated as TP and RRD because both the TP and RRD zoning districts implement the Timber Land Use which is the underlying land use of Mr. Mann's property.

The LUP policies cited above require that lands should be zoned TP if they are at least 40 acres in size and contain quality soils capable of producing a certain amount of timber. Mr. Mann's property is 386.98 acres in total, well beyond the 40-acre minimum, and contains soils with the appropriate qualities, assuring consistency with LUP requirements for TP zoned lands. Thus, the proposed amendment would remove split zoning and bring Mr. Mann's property into conformity with the policies of the LUP.

### ***Conclusion***

Overall, the proposed amendment would result in a 1:1 zoning re-designation of the same amount of land possessing a TP base zoning to RRD base zoning district, and vice versa (0.7 acres for each). The amendment would also create a single zoning designation for both properties consistent with underlying land use, existing development and purpose of said zoning districts. Thus, there would be no net change in allowable uses and no adverse or increased impacts on coastal resources relating to the intensity of these uses. For these reasons, the proposed re-designation is consistent with the policies of the LUP.

### **D. 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. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary

for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment.

Sonoma County, acting as the lead agency under CEQA, determined that the proposed LCP amendment was categorically exempt from the requirements of Section 15061(b)(3) of the CEQA Guidelines [no significant effect on the environment]. This staff report has discussed the relevant coastal resource issues with the proposal, and concludes that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. No public comments have been received to date that raised significant environmental points. All above 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).