



VIA EMAIL

March 31, 2023

Chairperson Chris Coursey
Members of the Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Comment on Draft LCP Elimination of By Right Housing*
HL no. 145-01

Dear Chairperson Coursey and Members of the Board:

On behalf of George and Renate Lee, owners of ranchland along Coleman Valley Road in West County, I am writing to urge you to reject the draft Local Coastal Plan (LCP)'s elimination of "by-right" single family residences on agricultural designated lands. In this time of housing shortage, it makes little sense to impose new and potentially cost prohibitive conditions on residential development, particularly for the scores of parcels that, due to size, terrain or climate conditions, cannot possibly satisfy them.

Under current law, outside of environmentally or view-sensitive areas, single family housing, in both the LEA CC and DA CC districts, is considered a "principal permitted use" requiring neither a use permit nor demonstrated agricultural activities.¹ Nor does such housing require a coastal development permit as the Coastal Commission has categorically excluded it as "by right" development.²

The draft LCP proposes to upend this framework by requiring active agricultural uses as a condition to building a family home. Allowable residential density is now defined as:

LEA: "One single-family residence per 160 acres or one per parcel if a parcel is less than 160 acres, *when supporting agricultural uses onsite.*" (emphasis added).

¹ County Code §§ 26C-31(b)(1) and 26C-41(b)(1)

² Categorical Exclusion Order E-81-5 (1981).

DA: "One single-family residence per 40 acres or one per parcel if a parcel is less than 40 acres *when supporting agricultural uses onsite.*" (emphasis added).³

The problem with this new policy is that scores of currently zoned agricultural parcels in the coastal zone are either too small or present too many challenges to support economically viable agriculture. According to county data, of the 162 privately-owned agricultural parcels in the coastal zone, 64 are less than 40 acres and 46 are less than 10 acres.⁴ How are these parcels expected to demonstrate agricultural use in order to build a single-family residence? Will landowners be required to make significant financial investments in infrastructure to maintain livestock or plant vineyards and orchards in order to demonstrate ag-related income or will a token "goat on a rope" suffice?

And how profitable must that "agricultural use" be? The draft LCP defines an "agricultural operation" as one managed by an owner who "derives their primary and principal income from the production of agricultural commodities for commercial purposes." For smaller-sized parcels, and even larger ones which, on account of drought, invasives or erosion, are not agriculturally sustainable, this income requirement would be impossible to meet, rendering what was an otherwise developable lot into one that is now unbuildable, removing it from the County's housing stock.

We understand that the intent of this new qualification of "supporting agricultural uses onsite" is intended to avoid "McMansions" on smaller agriculturally-zoned parcels, but that objective can and should be addressed directly by rezoning those lots to residential use, not by imposing vague and onerous conditions on a primary residence on *all* agricultural parcels throughout the coastal zone.

The County has never previously conditioned primary housing on agricultural use and for good reason. Doing so would render scores of parcels unusable – neither economically viable for agriculture nor legally permitted to be devoted to housing.

³ In its summary report, staff describes this language as reflecting a technical correction to address "incorrect punctuation (comma) that creates an unclear definition of residential density."

Whatever the intention of the corrected language, the phrase "when supporting agricultural uses onsite" retains this new condition of agricultural activity as a requirement for a primary residence.

⁴ Sonoma County Local Coastal Plan Update Policy Options, Small Family Farms at p. 1.

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We ask that the LCP retain the treatment of a parcel's primary residence as a "by right" use and accordingly remove the qualifying language "*when supporting agricultural uses onsite.*"

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bob Haroche". The signature is cursive and fluid.

Bob Haroche

cc: Clients

Tennis Wick

Cecily Condon

Gary Helfrich

Claudette Diaz



VIA EMAIL

March 23, 2023

Chairperson Chris Coursey
Members of the Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Re: *Comment on Draft LCP "Bodega Bay to Sebastopol" Trail Acquisition*
HL no. 145-01

Dear Chairperson Coursey and Members of the Board:

On behalf of George and Renate Lee, owners of ranchland along Coleman Valley Road in West County, I am writing to urge the removal of the proposed "Bodega Bay to Sebastopol" trail from the draft Sonoma County Local Coastal Plan (LCP).¹ The inclusion of this proposed trail is unnecessary, inconsistent with stated County objectives, and would likely open the door to litigation over illegal exactions.

The proposed trail has no identified "owner/manager" but instead only a generic reference to "Public/Private." Nor has it been identified as a policy objective or goal of either the Sonoma County Integrated Parks Plan (SCIPP) or the Agricultural Preservation and Open Space Vital Lands Initiative (VLI). On the contrary, this trail was first considered in the context of the 2003 draft Sonoma County Outdoor Recreation Plan (ORP) but was *rejected* for inclusion in subsequent plans. And for good reason.

The stated coastal access objectives of this trail are already met by the California Coastal Trail (CCT) program, specifically the "Carmet to Salmon Creek" trail,² the "Salmon Creek to Bodega Harbor" trail,³ and the proposed connection between Carrington Ranch and Willow

¹ This proposed trail, designated as "(I-13)" is described in the draft LCP Appendix B (Public Access Plan) at p. 73.

² Draft LCP Appendix B (I-2) at p. 68-69.

³ *Id.* (I-15) at 74.

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Creek.⁴ Regarding this last connection, the SCIPP explicitly shuns new trail acquisition (takings) in favor of “utilizing existing trail easements to connect public lands.”⁵

Notwithstanding these facts, the draft LCP encourages the legally questionable leveraging of conditions to Coastal Development Permits in order to extract public trail dedications across private lands.⁶

The source for this proposed government overreach is unclear. It is clearly not the intent of the Coastal Act’s Land Acquisition Program to require offers to dedicate (OTD) or easements to provide trail access to upland areas east of Highway 1. Nor for that matter has it ever been an expressed intention of either Regional Parks or the Agricultural Preservation and Open Space District to encourage the taking of such OTD or easements from landowners along Coleman Valley Road and others living miles from the coast. It appears instead that this proposed policy emanates solely from the preferences of planning staff, unmoored from any previously developed county policy or stated objective.

The “Bodega Bay to Sebastopol” trail should be removed from the draft LCP Public Access Plan in order to align the LCP with the SCIPP and VLI stated goals, to avoid inconsistency among the County’s disparate land use plans, and to avoid the inevitable litigation over permit conditions which would likely fail the *Nollan/Dolan* test for constitutional exactions.⁷

Thank you for your consideration of this matter.

Sincerely,



Bob Haroche

⁴ *Id.* (I-6) at p. 70 (“Carrington Ranch”).

⁵ Draft SCIPP (2015), Appendix B (PAD 6: South Coast and Dairy Belt) (emphasis added).

⁶ See draft LCP Appendix B (Public Access Plan) at p. 73; draft LCP Public Access Element at p. PA-18.

⁷ *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 16 512 U.S. 374 (1994).

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cc: Clients

Tennis Wick

Cecily Condon

Gary Helfich

Claudette Diaz

From: [Caitlin](#)
 To: [Bryan](#)
 Subject: [101-090-008](#)
 Date: [10/23/2024 10:00:00 AM](#)
 Attachments: [101-090-008](#)

EXTERNAL

Hi Bryan and Jennifer,

I am writing to request your assistance with what appears to be a mapping error on APR 101-090-008 at 20000 Colman Valley Road in the draft LCP maps, as well as the Sonoma GIS maps. I imagine you are extremely busy with this final stage of the LCP process, and I hope to see the proposed map back on your desk with this request. Thank you in advance for your consideration.

The attached provides a Central Plan Map, the official Central Boundary along with Colman Valley Road as it passes along the western boundary of 101-090-008 (the relevant boundary is highlighted in orange). The road appears that any CC overlay would be located to the land immediately adjacent to the road, and not further east into the parcel as it done in the draft LCP maps and Sonoma GIS.

I have attached an attached view of the draft LCP Maps to illustrate the extent to which the Central Boundary on the draft LCP map runs from the official boundary along my parcel (as well as noted another discrepancy you may see near Wilshire Creek, as examples). I realize the LCP Maps have disclaimers stating they are only representations, and are not meant to be survey data, but these LCP maps align with what is represented in the Sonoma GIS system, along with CC Zoning overlays, so it seems reasonable to ask that they all be somewhat representative of the official Central Boundary.

I have also located the Central Boundary in question on Permit Data by map, and Environmental Pa, and the location matches the Central Visual Resources map attached.

Could you please advise? How the current Central Boundary differs from what is described in the County's official maps? Or in the description of the Central Boundary in Sonoma GIS and the draft LCP mapping error? I would like to confirm the extent of the CC jurisdictional overlay on APR 101-090-008, and ask for a map correction if the official Central Boundary has not moved.

Thank you very much,
 Bryan Lee
 (415) 356-9097 ext

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.
 Warning: If you don't know the email sender or the email's importance,
 do not click any web links, attachments, and never give out your user ID or password.

The screenshot shows a web-based GIS application for Sonoma County. The main map area displays a topographic map with various zoning overlays. A search bar at the top left contains the parcel ID '101-090-008'. A pop-up window over the map indicates 'Base Zoning: LEA CC B6 160 Z'. On the right side, there is a legend titled 'Zoning and Land Use' with a list of categories and checkboxes. The 'Base Zoning' checkbox is checked. The map also shows a scale bar and coordinates at the bottom.

| Zoning Category | Status |
|--|-------------------------------------|
| Zero Net Use - ADU | <input type="checkbox"/> |
| AH - Affordable Housing | <input type="checkbox"/> |
| BH - Biotic Habitat | <input type="checkbox"/> |
| F1 - Floodway | <input type="checkbox"/> |
| F2 - Floodplain | <input type="checkbox"/> |
| G - Geologic Hazard | <input type="checkbox"/> |
| HD - Historic District | <input type="checkbox"/> |
| LG - Local Guidelines | <input type="checkbox"/> |
| MR - Mineral Resource | <input type="checkbox"/> |
| RC - Riparian Corridor | <input type="checkbox"/> |
| RE - Renewable Energy | <input type="checkbox"/> |
| SDC/PPOS - SDC/Preserved Parkland and Open Space | <input type="checkbox"/> |
| SR - Scenic Resource | <input type="checkbox"/> |
| VOH - Valley Oak Habitat | <input type="checkbox"/> |
| VR - Visitor Residential | <input type="checkbox"/> |
| X - Vacation Rental Exclusion | <input type="checkbox"/> |
| Vacation Rental Temporary Cap Area | <input type="checkbox"/> |
| Z - Accessory Dwelling Unit Exclusion | <input type="checkbox"/> |
| Base Zoning | <input checked="" type="checkbox"/> |
| Parcel with Split Zoning | <input type="checkbox"/> |
| Land Use | <input type="checkbox"/> |
| Parcel with Split Land Use | <input type="checkbox"/> |