



## Legislation Text

---

**File #:** 2023-0488, **Version:** 1

---

**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Chris Wendt, (707) 565-1511

**Vote Requirement:** Majority

**Supervisorial District(s):** Fifth

**Title:**

**9:45 AM - PLP20-0009;** Zone Change to Timberland Production, Immediate Cancellation of Existing Land Conservation Contract, and Phased Use Permit at 20111 Old Cazadero Rd., Guerneville

**Recommended Action:**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Supervisors adopts a resolution to:

- A) Rezone to TPZ. Accept the Planning Commission's recommendation, make necessary findings for, and approve the application for immediate rezone from RRD Resources and Rural Development to TP Timberland Production, adopt an Ordinance to effectuate the rezone to TP, and direct the recordation of Notice of Rezone to Timberland Production;
- B) Cancel Land Conservation Contract. Make necessary findings for and approve the petition for cancellation of the existing Land Conservation contract, (Recorded February 16, 1971 at Book 2516, Page 582) conditioned on recordation of the Notice of Rezone to Timberland Production, and direct recordation of a Certificate of Cancellation after recordation of the Notice of Rezone to Timberland Production;
- C) Exercise Original Jurisdiction & Approve Use Permit. Exercise original jurisdiction and make necessary findings for and approve a phased Use Permit, subject to conditions of approval, to allow the legalization and resumption of operation of an existing retreat center located on the +/- 210 acre parcel as a compatible use under Timberland Production zoning, with ongoing timberland production and conservation uses.
- D) Find Project CEQA Exempt. Find the forgoing project Exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, CEQA Guideline 15301, 15061(b)(3), 15264 and Government Code 51119, for existing uses where there is no or negligible expansion of existing use, where no exceptions listed under Section 15300.2 apply, and where there is an immediate rezone to TP and cancellation of a Land Conservation contract, and where it can be seen with certainty that the project has no potential for causing a significant effect on the environment.

(Fifth District)

**Executive Summary:**

The present matter is a consolidation of several inter-related requests by the property owner seeking to legalize existing use of the property for retreat, conservation, and timberland production uses in response to Code Enforcement violations relating to the existing Land Conservation contract (Williamson Act contract),

zoning violations, and several unpermitted structures.

Following a complaint (VCM17-0104) in 2017, an inspection was conducted, and several violations were recorded on the property. The property's use at the time of the Code Enforcement complaint was for visitor serving purposes such as guest lodging and an event venue which violated the existing Land Conservation contract which incorporates by reference the 2011 Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules). The resort use was also in violation of the RRD (Resources and Rural Development) zoning district as it was operating without a Use Permit. The property applied for the current requested approvals in February 2020 and thereafter discontinued the resort use to obtain the necessary approvals.

A Zone Change from RRD to TP (Timberland Production) would allow for timber management to continue onsite, without loss of beneficial tax assessments for the timberland, would allow for the immediate cancellation of the Land Conservation Act (Williamson Act) contract, and would allow for resort use. This is because resort use is a compatible use under Timberland Production Zoning, but not under the Land Conservation contract. The resort use became inconsistent with the contract upon adoption of the 2011 Uniform Rules update. Because those rules were incorporated into the contract upon its automatic renewal at the end of 2011, the land became subject to them, and the existing resort use became a violation. Resort use is considered a compatible use for lands zoned Timberland Production zone (TP).

State law permits the immediate cancellation of a Land Conservation contract if the land subject to the contract is rezoned to Timberland Production Zone. If the land is so rezoned, the Board is required to approve contract cancellation. The normal rules and discretionary findings for cancellation of a Land Conservation contract do not apply in this context. Similarly, a cancellation fee, which would normally be required to be submitted to the state for cancellation, may not be charged when cancellation is due to TP rezoning. (Government Code §51282.5; Public Resources Code §§ 51100 et seq.). Under TP zoning, the land is taxed as timberland and granted a legal presumption that timber harvesting will occur on the site, while also restricting the uses of the land to timber production and specified compatible uses. In exchange, the timberland receives beneficial tax treatment. Structures and the non-timberland portion of the land they occupy do not receive the special TPZ assessment.

Approval of the requested Use Permit would eventually allow for legalization and resumption of the year-round use of the site as a resort center Friday - Sunday with a maximum of 52 people onsite following the completion of Phase I, and a maximum of 60 people onsite following the completion of Phase II; and, open one weekend a month Thursday - Sunday with a maximum of 35 people onsite (both phases). Phase I will occur within 2 years from approval and Phase II will occur within 4 years from approval. Total number of people onsite during both phases is inclusive of guests and up to a maximum of 10 employees.

Wildwood is located within a Very High Fire Hazard Severity Zone and within the State Responsibility Area (SRA) which requires additional requirements for public access to the site via existing roadways. Wildwood applied for an exception to these standards with the California Department of Forestry and Fire Protection, as the County Right-of-Way serving the site does not meet SRA width or standards for dead end roads. This request for exception to standards is supported by the County Fire Marshal and local CAL FIRE Chief. No objections have been received from the California Department of Forestry and Fire Protection.

The project is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, CEQA Guideline 15301, 15061(b)(3), 15264 and Government Code 51119, for existing uses where there is no or negligible expansion of existing use (categorical exemption), where there is an immediate rezone to TP and cancellation of a Land Conservation Contract (statutory exemption), and where for those reasons it can be seen with certainty that the project has no potential for causing a significant effect on the environment.

**Discussion:**

**PROJECT SITE AND CONTEXT**

***Background***

The 210 +/- acre property consists of 2 contiguous parcels that were merged in 1994 (VM94-18; Attachment A) and are owned by the Wildwood Conservation Foundation. The single legal parcel is comprised of two assessor’s parcel numbers, currently APN 106-230-007 and 106-230-008. When the property was merged, one of the parcels was restricted by a Land Conservation Act (Williamson Act) contract recorded on February 16, 1971 (OR 1971099731) and continues to be restricted to this day. Assessor’s Parcel Number 106-230-008 identifies the portion of the single legal parcel that is subject to a Land Conservation contract and restricted to agriculture and compatible uses consistent with the 2011 Uniform Rules for Agricultural Preserves, as amended. Amendments to the County’s agricultural preserve rules become automatically incorporated into the contract terms upon a contract’s subsequent automatic renewal. The Uniform Rules prohibit resort use, they also require that the whole of a parcel be restricted. Here the property had a resort component and approximately 194 of the 210 acres were under the contract.

The Wildwood Conservation Foundation indicates that it has operated a retreat center/resort for over 20 years on a 5-acre portion of the 210 +/- acre site. It manages the remaining natural forestland in accordance with an existing conservation easement recorded on the property and held by the Golden State Land Conservancy.

***Area Context and Surrounding Land Uses***

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

***Significant Applications Nearby***

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

***Access***

The primary site access to the County Right-of-Way (ROW) is from Old Cazadero Road which is a “Dead End Road” that terminates at a gate adjacent to Wildwood’s primary site entrance. The portion of Old Cazadero Road that serves Wildwood from Hwy 116 is a 4-mile segment that averages 14- to 18-foot-wide and has limited turnouts. See Wildfire Risk below for additional information.

A Secondary Access route to the site is provided by an existing private road which intersects Old Cazadero Road ¼ mile southeasterly of the site. During heavy storms in 2017 a 194-foot section of Old Cazadero Road was washed out between the intersection of the private road and Wildwood’s main driveway entrance. During this time, the secondary access was used for primary access while Sonoma Public Infrastructure (SPI) repaired Old Cazadero Road which reopened to the public on April 29, 2021.

Adjacent to Wildwood’s driveway entrance a locked gate closes Old Cazadero Road from a connection to the town of Cazadero. This section of County ROW is not maintained by SPI and public access to this segment of road has been closed for decades after a bridge over Austin Creek was washed away. SPI maintained a seasonal crossing in the location of the washed-out bridge during the dry season until the 1990s. Currently, SPI does not have an adopted plan to address this closed portion of Old Cazadero Road.

Draft Conditions of Approval from Sonoma Public Infrastructure require improvements to the driveway intersecting Old Cazadero Road and Traffic Mitigation fees as required by Chapter 26, Article 98.

Throughout the processing of this permit Wildwood has advocated for the reopening of the closed portion of Old Cazadero Road from the closed gate adjacent to their driveway to the town of Cazadero. Wildwood has been instrumental in coordinating efforts between District 5, SPI, and the Lower Russian River MAC. SPI has committed to reviewing reopening of this segment of road with no official project announced at this time.

### ***Parking***

The site has a total of 48 parking spaces at the gravel lot north of the Commons Building. Article 86, Parking Regulations, require 1 space per unit for *Hotels, motels and similar lodging*. The existing resort provides a total of 16 bedrooms and 10 tent camping platforms. Assuming each tent platform is equal to 1 unit the resort would require a total of 26 parking spaces to accommodate guests. The remaining 22 parking spaces (48 total - 26 units) would be adequate to accommodate Wildwood’s 10 employees with overflow spaces available if guests arrive in separate vehicles.

### ***Wildfire Risk***

The site is within an area designated as a Very High Fire Hazard Severity Zone within the State Responsibility Area and is not located within a recent active fire perimeter, although the 2020 Walbridge Fire burned within 0.9 +/- miles of the site ([Permit Sonoma Zoning and Land Use viewer <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=06ac7fe1b8554171b4682dc141293962>](https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=06ac7fe1b8554171b4682dc141293962)). Fire protection services are provided by the North Bay Fire Agency located at 4500 Hessel Road, Sebastopol (24.8 miles away); however, response has been provided in recent years by the Monte Rio Fire Protection district and local CAL FIRE units located 9 miles away in Guerneville.

The site is within a Very High Wildland Fire Hazard Severity Zone in a State Responsibility Area, as designated by the California Department of Forestry and Fire Protection (CAL FIRE). Very High Fire Hazard Severity Zones are typically characterized by forested areas where fire in tree crowns (portions of trees above the trunks) is likely; areas with high vegetation density and fuel continuity, allowing flame to spread over much of the area with little impediment from non-burnable surfaces; steep or mixed topography; and seasonally extreme conditions of strong winds and dry fuel moistures. The highest fire hazard is found in mountainous areas with dry summers, plenty of fuel, and steep slopes.

The applicant submitted a request for an exception to the Board of Forestry's road width and dead end road standards, including the following existing and proposed measures.

Existing:

- Emergency water supply provided by an existing pool and two 5,000-gallon water tanks.
- GMRS radio system to be improved and maintained by SPI - this system will aide in emergency communication with members of the public during power outages and in areas with limited mobile phone service.
- Acknowledgement of recent work done by SPI at its own direction and expense, to maintain and increase fire equipment accessibility along Old Cazadero Road for the safety of all residents and guests along the road, including those accessing Wildwood.

Proposed:

- Installation of three signs along Old Cazadero Road to alert drivers to yield to emergency vehicle traffic to better facilitate emergency equipment access and evacuation and to help avoid delays in emergency equipment response. SPI has accepted this proposal and conditioned the project for the applicant to submit design and payment to SPI for installation of the proposed signs.
- Ongoing vegetation management of defensible space in coordination with the Golden State Land Conservancy.
- Wildwood's Forest Management Plan (Attachment B) proposes the creation of fuel breaks, maintaining site roads, and general vegetation management plans.
- Wildwood's Emergency Action Plan (Attachment C) proposes to cancel events and evacuate guests from the property if a Voluntary Evacuation Order is issued.

The Sonoma County Fire Marshal evaluated the applicant's request for an Exception to Standards (14 CCR §1270.06) and following a site visit on January 26, 2021, determined the alternatives provide the same practical effect pursuant to 14 CCR §1270.06 and §1271.00. This request for exception to standards is supported by the County Fire Marshal and local CAL FIRE Chief and has been accepted to meet the same practical effect standards authorized in the current Board of Forestry and Fire Protection standards. No objections have been received from the California Department of Forestry and Fire Protection.

In addition to his site visit in January 2021, the Fire Marshal and Fire Prevention staff (Chipper Team) have conducted vegetation management work within the area along Old Cazadero Road that serves the site. The Fire Marshal has also surveyed the 4-mile segment of Old Cazadero Road with members of SPI's Road Crew to

determine the locations for installation of Wildwood's proposed signage.

### ***Water/Wastewater/Utilities***

#### Water Supply

The site is located within a Class 4 Groundwater Availability Area - with low or highly variable water yield. Domestic water for the proposed use is supplied by an existing well (WEL20-0416; finalized 4/19/22).

Draft Conditions of Approval from the Project Review Health Specialist require well testing and consultation with the California Department of Drinking Water prior to building permit issuance or project operation.

Permit Sonoma's staff Geologist has reviewed the project materials and determined that the proposed project meets Permit Sonoma requirements for Zero Net Use (Policy 8-2-2). Draft Condition of Approval # 37 requires that a Water Supply Permit from the California State Water Resources Control Board, Division of Drinking Water be provided by the applicant prior to operation of the resort.

#### Wastewater Disposal

Draft Conditions of Approval require proof of functioning wastewater system designed to support the proposed use be provided to the Project Planner prior to building permit issuance or project operation. The applicant has submitted a septic findings report dated May 11, 2022 (Attachment D) and has submitted a septic permit application for review by Permit Sonoma Well & Septic staff (Application No. SEP22-0203).

The attached septic findings report concludes that there will be adequate wastewater disposal to support the use as proposed.

### ***Agricultural Conditions/Land Encumbrances/Contracts***

#### Land Conservation Contract (Williamson Act)

APN 106-230-008 (194 acres) is subject to an existing Type II Williamson Act contract (2-402-71, Book 2516, Page 582, Sonoma County Records). As part of a Code Enforcement investigation, it was determined that the site was operating in violation of its Williamson Act contract because operation of the resort and related events were not compatible uses under the Uniform Rules and the contract. To rectify the violation, Wildwood ceased its resort operations and subsequently submitted its application for rezone to TP which will allow for immediate cancellation of the Williamson Act contract. In addition, only a portion of the property is subject to the Land Conservation contract. Additionally, Uniform Rule 4.0 requires that a single legal parcel be fully restricted by a contract.

Under Government Code Section 51282.5, a Williamson Act contract the Board must approve the immediate cancellation of a Land Conservation contract without a "cancellation fee" if the subject property is rezoned to Timberland Production as provided in Government Code section 51113 and after the rezoning is recorded in accordance with Government Code Section 51117. To comply with the requirements of Section 51117, a Notice of Immediate Rezoning would be recorded following Board adoption of the requested ordinance rezoning the property from RRD to Timberland Production. Cancellation of the Land Conservation contract would be conditioned on recording the rezone to Timberland Production. The Use Permit to authorize

operation of the resort would be similarly conditioned on the rezone to TP, cancellation of the Land Conservation contract, and additional conditions of approval.

### Conservation Easement

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

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

The easement specifies uses it allows and prohibits. See Exhibit B of the attached Conservation Easement (Attachment F). The easement allows for the operation of the resort use and timberland production.

### ***Other Environmental Conditions***

#### Timber Harvest Plans

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

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

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

### **PROJECT DESCRIPTION**

The project is comprised of three main elements: 1) a Zone Change from Resource and Rural Development (RRD) to Timberland Production (TP); 2) immediate cancellation of the existing Land Conservation Contract (Williamson Act) upon recordation of an Immediate Rezone to Timberland Production Zone; and 3) a phased Use Permit to legalize an existing retreat center operating year-round located on a +/- 210 acre parcel. The resort will operate Friday - Sunday with a maximum of 52 people onsite following the completion of Phase I, and a maximum of 60 people onsite following the completion of Phase II; and, open one weekend a month Thursday - Sunday with a maximum of 35 people onsite (both phases). Phase I will occur within 2 years from approval and Phase II will occur within 4 years from approval. Total number of people onsite during both phases is inclusive of guests and up to a maximum of 10 employees.

## **GENERAL PLAN CONSISTENCY**

The General Plan designation of the subject parcels is RRD 160, the purpose of which is to "...protect lands used for timber, geothermal, and mineral resource and for natural resource conservation." A stated policy of RRD is "...intent to protect lands needed for commercial timber production under the California Timberland Productivity Act," and the Resource Conservation Element also states as an objective to "...identify and preserve areas with timber soils and commercial timber stands for timber production."

### ***Applicable Policies:***

#### **2.7 Natural Resource Land Use Policy**

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

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

#### **Policy for Resources and Rural Development Areas**

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

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

***Permitted Uses:*** Single family dwellings, resource management and enhancement activities including but not limited to the management of timber, geothermal and aggregate resources, fish and wildlife habitat, and watershed. Livestock farming, crop production, firewood harvesting, and public and private schools, hospitals,



*and places of religious worship are included. Lodging, campgrounds, and similar recreational and visitor serving uses provided that they shall not be inconsistent with the purpose and intent of this category. In addition to the permitted residential densities, existing campgrounds or recreational vehicle parks may be considered for long term residential occupancy of recreational vehicles when such parks have obtained appropriate State HCD permits.*

**Policy LU-12k:** *Avoid location of recreation and visitor serving and resource related commercial or industrial uses in close proximity to one another.*

**LU-15f:** *"Outside Urban Service Boundaries, consider new recreation and visitor serving commercial uses in the Resources and Rural Development category subject to the following criteria:*

- (1) The use is located close to a major recreational area such as the Russian River,*
- (2) The use is compatible with the primary resource use of the parcel,*
- (3) Where practical the use will retain existing redwood trees and will not result in substantial damage to the redwood ecosystem,*
- (4) The use would not adversely affect adjacent agricultural lands,*
- (5) The use would not adversely affect the level of service on roadways,*
- (6) Adequate water supply is available for fire suppression and domestic use,*
- (7) Adequate police and fire protection are available, and*
- (8) The use will not have an adverse visual impact on a scenic corridor or scenic landscape unit."*

### Staff Analysis

The existing Wildwood facility was in use as a resort for approximately 20 years. In that time Wildwood partnered with the Golden State Land Conservancy which now holds a conservation easement on the property. The existing easement, as well as the proposed zone change to Timberland Production zoning, will ensure that the site and its resources are protected in accordance with the Goals, Objectives, and Policies of the General Plan Land Use Element.

Wildwood is located in an area served by a handful existing outdoor camps and west of the Austin Creek State Recreation Area and Armstrong Woods State Natural Reserve, however these uses are separated by canyons and steep terrain and access is provided by separate access roads that can only be accessed by travelling miles back to Highway 116 then by Cazadero Highway or Armstrong Woods Road; consistent with **Policy LU-12k**.

Approval of the Use Permit to allow operation of the retreat is consistent with **Policy-15f** as the recorded conservation easement clearly delineates the developed areas and regulates use of the remainder of the site to provide additional resource protection, beyond those protections provided by the intended TP zoning district. In addition, the proposed compliance-driven legalization of the previously existing and proposed restored use will not increase traffic or adversely affect the level of service along Old Cazadero Road as Wildwood does not propose an expansion of the maximum number of visitors to the site beyond the long-standing operations sought to be legalized. Adequate water supply for fire suppression has been evaluated by

the Sonoma County Fire Marshal and Police and Fire services are provided to the site by the Sonoma County Sheriff and the North Bay Fire Agency (see Wildfire Risk above for fire services).

### Public Safety

*The General Plan Public Safety Element states in Section 4.2 under Land Use Planning: In order to reduce the risk of fire damage in rural areas, the types and intensities of land uses should be limited. [...] Rural development should be most restricted where natural fire hazards are high, fire protection is limited, and road access prevents timely response by firefighting personnel and rapid evacuation by residents.*

### **Staff Analysis**

Wildwood has demonstrated a commitment to fire preparedness and that they continue open communication between local fire departments, Permit Sonoma Fire Prevention, CAL FIRE, and with their neighbors along Old Cazadero Road. Their “Fire Risk Mitigation” plan includes the following: fuel reduction, traffic minimization, and fire preparedness. Wildwood has also worked with County Fire Prevention staff and CAL FIRE to develop emergency protocols for staff and guests as outline in the attached Emergency Action Plan. Wildwood’s proposal has been evaluated by the County Fire Marshal and a request for exception to Board of Forestry Standards has been prepared for submittal to CAL FIRE. More information may be found above under the *Wildfire Risk* section.

### **ZONING CONSISTENCY**

The purpose of the Timberland Production District (TP) is to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. The compatible uses specified in this section will be included in this zone and are consistent with the Forest Taxation Reform Act of 1976.

### ***Suitability for TP Zoning***

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

A Forest Management Plan was prepared for the project site by registered professional forester Matt Greene Forestry & Biological Consulting, dated April 2020. (Attachment B). The Forest Management Plan was provided

to CAL FIRE's Forest Practice Program Staff Chief for review on 6/22/22. CAL FIRE does not object to the proposed rezoning (Attachment G).

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

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

*Staff comment: Attachment H is an Assessor Parcel Map showing the assessor's parcel numbers of the property desired to be zoned "TP".*

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

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

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

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

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

the signing of the agreement.

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

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

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

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

*Staff comment: Sonoma County’s compatible use ordinance was adopted in 1976 and codified in Chapter 26 as the regulations for the TP District. As adopted, compatible uses were those uses identified as “permitted uses” and “uses permitted with a use permit.”*

*The project site meets the resource-related criteria for rezoning to Timberland Production outlined above, and resorts are a compatible use in Sonoma County’s Timberland Production District.*

### **Land Conservation Contract Cancellation.**

The project includes a request to cancel a Land Conservation contract. Land Conservation contracts exist independently of zoning. The making or cancelling of such contracts is not subject to review or approval by the Planning Commission. As a result, the Board does not make findings under the Zoning Code related to contract cancellation. Where a property is has a contract, the more restrictive provisions of zoning or the Land Conservation contract will apply. Where a property subject to a Land Conservation contract is rezoned to Timberland Production, consistent with the State Timberland Production Act, the Board will approve cancellation of the contract if all requirements are met for cancellation.

### **Use Permit**

The third component of the project is a request for approval of a phased Use Permit to legalize an existing retreat/resort center for operation year-round located on a +/- 210-acre parcel. The resort will operate Friday - Sunday with a maximum of 52 people onsite following the completion of Phase I, and a maximum of 60 people onsite following the completion of Phase II; and, open one weekend a month Thursday - Sunday with a maximum of 35 people onsite (both phases). Phase I will occur within 2 years from approval and Phase II will occur within 4 years from approval. Total number of people onsite is inclusive of guests and employees in both phases. “Resorts” are an allowed use in the TP zoning district under Section 26-14-020 (e).

### Phasing

Following receipt of the Notice to Cease / Stop Order sent by Permit Sonoma Code Enforcement staff on September 16, 2019 the resort was closed to the public. Wildwood relies on income from the operation of the resort to continue operations and following 3 years of closure, and the hardship of the COVID-19 pandemic, they were concerned that commencing operations immediately within 2 years of approval (standard Use Permit approval) would not be feasible. Wildwood now proposes to reopen within 2 phases; Phase I to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. *See Table 1 below.*

Phase I: Within two years of Use Permit approval

Prior to the operation of the retreat under Phase I, Wildwood proposes and will be required to construct the septic system, well, and required driveway encroachment; and to legalize the structures outlined below in Table 1 by bringing them into conformance with California Building Code and Sonoma County Zoning Code requirements.

Following the completion of Phase I a maximum of 52 people total (including guests and employees) may be allowed onsite, including guests and employees.

The resort will operate Friday - Sunday with a maximum of 52 people onsite, and one weekend a month the resort will be open Thursday - Sunday with a maximum of 35 people onsite.

Phase II: Within four years of Use Permit approval

Prior to the operation of Phase II, Wildwood proposes to legalize the following structures: Multipurpose Room, Carriage House Rooms A - G; Staff Cabins H, K, L & M; and the Yurt.

Following completion of Phase II full occupancy will be allowed as follows:

The resort will operate Friday - Sunday with a maximum of 60 people (including guests and employees) onsite. One weekend a month the resort will be open Thursday - Sunday with a maximum of 35 people onsite.

Proposed Events

No special events are proposed with this application.

Existing Structures - Table 1

Structure	Description	Sleeping Rooms	# Accommodations (*Double occupancy assumed)	Size (Sq. Ft.)	Project Phase
Commons Building Main floor	Kitchen, storage, gathering and dining spaces, two offices for staff, staff break room	0	0	2,292	1
Commons Building Lower floor	Two guest bedrooms, shared bath, storage	2 (ADA)	4*	897	1

Guest Quarters	14 bedroom & bathrooms (no cooking)	14	28*	1,480	1
Tent Platforms	Overflow camping spaces for guests	10	20*		1
Pool, Pool House*, and Hot Tub			0	600*	1
<b>Phase I Total</b>		<b>26</b>	<b>52</b>		
Multipurpose Room - "Temple"	Flexible open space, central laundry, storage, and small meeting room	0	0	2,653	2
Yurt	Flexible open space	0	0	771	2
Carriage House Rooms A-G	Staff Sleeping Quarters - no cooking, workshop, staff laundry room, storage	7	7	1,534	2
Staff Cabin H	Staff Sleeping Quarters - no cooking	1	1	100	2
Staff Cabin K "Treehouse"	Staff Sleeping Quarters - no cooking, storage	1	1	574	2
Staff Cabin L "Cook's Cabin"	Staff Sleeping Quarters - no cooking	1	1	245	2
Staff Cabin M below parking lot	Staff Sleeping Quarters - no cooking	1	1	97	2
<b>Phase II total</b>		<b>11</b>	<b>11</b>		
<b>Grand total (rooms/accommodations)</b>		<b>37</b>	<b>63</b>		

**Environmental Analysis**

Title 14 California code of Regulations, CEQA Guidelines, Section 15301. Existing Facilities. The resort and associated structures (listed in Table 1) are existing, and the project proposes no expansion of those facilities or uses and is therefore categorically exempt, where no exceptions listed under Section 15300.2 apply.

Title 14 California code of Regulations, CEQA Guidelines, Section 15264. Timberland Preserves. Local agencies are statutorily exempt from the requirement to prepare an Environmental Impact Report or negative

declaration to zone a parcel as timberland production under Government Code Section 51119, California Timberland Productivity Act of 1982.

Title 14 California code of Regulations, CEQA Guidelines 15061(b)(3) where for the foregoing reasons it can be seen with certainty that the project has no potential for causing a significant effect on the environment as there is no change in use and the change from one restriction (Land Conservation contract) to another (TPZ zoning) presents no reasonable possibility that the project would have a significant effect on the environment.

### **NEIGHBORHOOD/PUBLIC COMMENTS**

Staff has been in contact with neighbors within the vicinity of the project site. Neighborhood comments include concerns regarding unpermitted structures, Fire Safe Standards, septic system capacity, and water availability. Neighborhood comments have been combined and attached for review (Attachment K).

#### ***Traffic***

*Old Cazadero Road is a one-lane road and not designed to accommodate commercial traffic with numbers totaling 60 - 80 cars.*

Wildwood is an existing use and vehicle trips to the site were considered baseline by Sonoma Public Infrastructure (SPI) and in their review of existing conditions SPI found that the project would not have a significant impact on the existing Right-of-Way along Old Cazadero Road and a Traffic Impact Study was not required. Driveway improvements and the payment of Traffic Mitigation Fees are required by the Conditions of Approval.

The applicant has worked with the County to advocate for additional vegetation management, fire prevention education, and for the reconnection of Old Cazadero Road between the site and the town of Cazadero. Wildwood also proposes to provide additional signage along Old Cazadero Road in 3 places, to be determined SPI, to alert drivers along the road to yield to emergency vehicle traffic. SPI has accepted this proposal and has conditioned the project to require submittal of proposed signage and payment for SPI to produce and install the signs.

#### ***Unpermitted Structures***

Existing Code Enforcement files VBU19-0641, -0642, -0643, and -0644 address violations for existing unpermitted construction onsite. The applicant proposes to legalize these structures in 2 phases which details are provided for under *Table 1* above. In addition to these unpermitted structures zoning violations VPL19-0352 and -1034 have been recorded to address zoning and Land Conservation contract (Williamson Act) violations. The purpose of this permit, PLP20-0009, is to address the zoning and Williamson Act violations which will then allow Permit Sonoma to review and issue building, septic, well, and encroachment permits pending compliance with the approved Conditions of Approval under PLP20-0009.

#### ***Fire Safe Standards***

Concerns were raised around Board of Forestry (BOF) standards for access to which Wildwood has prepared the Exception to Board of Forestry Standards (Attachment I) where they provide a demonstration of how they are able to provide the same practical effect as meeting BOF standards discussed under *Wildfire Risk* and

Traffic above.

### **Septic Capacity**

Concerns were raised that a septic system to serve the site would need to be sized to accommodate peak flows.

Draft Conditions of Approval require proof of functioning wastewater system designed to support the proposed use be provided to the Project Planner prior to building permit issuance or project operation. The applicant has submitted a septic findings report dated May 11, 2022 (Attachment D) and has submitted a septic permit application for review by Permit Sonoma Well & Septic staff, SEP22-0203.

### **Water Availability**

The initial project proposal included a shared well with an adjacent parcel which has since been amended. Water will now be provided by an onsite well which has been finalized, WEL20-0416. Conditions of Approval require a permit be obtained for this site from the California Division of Drinking Water prior to operation of the resort. Please see *Water Supply* above for additional information.

## **RECOMMENDATIONS**

### **Staff Recommendation**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Supervisors adopts a resolution to:

- A. Rezone to TPZ.** Accept the Planning Commission's recommendation, make necessary findings for, and approve the application for immediate rezone from RRD Resources and Rural Development to TP Timberland Production, adopt an Ordinance to effectuate the rezone to TP, and direct the recordation of Notice of Rezone to Timberland Production;
- B. Cancel Land Conservation Contract.** Make necessary findings for and approve the petition for cancellation of the existing Land Conservation contract, (Recorded February 16, 1971 at Book 2516, Page 582) conditioned on recordation of the Notice of Rezone to Timberland Production, and direct recordation of a Certificate of Cancellation after recordation of the Notice of Rezone to Timberland Production;
- C. Exercise Original Jurisdiction & Approve Use Permit.** Exercise original jurisdiction and make necessary findings for and approve a phased Use Permit, subject to conditions of approval, to allow the legalization and resumption of operation of an existing retreat center located on the +/- 210-acre parcel as a compatible use under Timberland Production zoning, with ongoing timberland production and conservation uses.
- D. Find Project CEQA Exempt.** Find the forgoing project Exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, CEQA Guideline 15301, 15061(b)(3), 15264 and Government Code 51119, for existing uses where there is no or negligible expansion of existing use, where no exceptions listed under Section 15300.2 apply, and where there is an immediate rezone to TP and cancellation of a Land Conservation contract, and where it can be seen with certainty that the project has no potential for causing a significant effect on the environment.



**Strategic Plan:**

Not Applicable

**Prior Board Actions:**

Not Applicable

**FISCAL SUMMARY**

Not Applicable

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

Att A: VM94-18

Att B: Wildwood's Forest Management Plan

Att C: Wildwood's Emergency Action Plan

Att D: Septic Findings Report

Att E: Golden State Land Conservancy Letter of Support and 2019, 2020, and 2021 Annual Monitoring Reports

Att F: Wildwood Conservation Foundation Conservation Easement

Att G: CAL FIRE's Response to Referral of Forest Management Plan

Att H: Assessor Parcel Map

Att I: Request for Exception to Board of Forestry Standards

Att J: Register Professional Forester Matt Greene's Forest Management Plan Letter

Att K: Public Comments

Att L: Planning Commission Staff Report with Resolution

Att M: Land Conservation Contract (Williamson Act)

Att N: BOS Resolution

- Exhibit A: Ordinance with Exhibit to rezone land owned by The Wildwood Conservation Foundation

Att O: BOS Conditions of Approval

Att P: Applicant Statement

Att Q: Staff PowerPoint

**Related Items "On File" with the Clerk of the Board:**

Not Applicable